

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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NATIONAL MARINE FISHERIES SERVICE (NMFS)

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HIGHLY MIGRATORY SPECIES ADVISORY PANEL

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MEETING

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WEDNESDAY
SEPTEMBER 9, 2015

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The Advisory Panel met in the Magnolia Room, Sheraton Hotel, 8777 Georgia Avenue, Silver Spring, Maryland, at 9:00 a.m., Suzanne Lea, Facilitator, presiding.

MEMBERS PRESENT

JASON ADRIANCE
PATRICK AUGUSTINE
ANNA BECKWITH
TERRI BEIDEMAN
CAROLYN BELCHER
RICK BELLAVANCE
ANDRE BOUSTANY
WILLIAM GERENCER
WALTER GOLET
JOHN GRAVES
LISA GREGG
RANDY GREGORY
MARCOS HANKE
ASHTON HARP
RUSSELL HUDSON
STEPHEN IWICKI
WALLACE JENKINS
MICHAEL KELLY
DAVID KERSTETTER
JAMES LAWSON
MARK LINGO
STEPHEN LINHARD
HEATHER MARSHALL
SHANA MILLER
VALERIE MILLER
JEFF ODEN
TIM PICKETT
GEORGE PURMONT
RICH RUAIS
MARK SAMPSON
MARTIN SCANLON
MICHAEL SISSEWINE
DAVID STILLER
SCOTT TAYLOR
MARK TWINAM
CHRISTOPHER WEINER
ROMULUS WHITAKER
ANGEL WILEY

STAFF PRESENT

EILEEN SOBECK, Assistant Administrator for
Fisheries
MARGO SHULZE-HAUGEN, Chief, NMFS HMS Division
RANDY BLANKINSHIP, NMFS HMS Southeast
KARYL BREWSTER-GEISZ, HMS
PETE COOPER, NMFS HMS
GUY DUBECK, NFMS HMS
SARAH MCLAUGHLIN, HMS Northeast
LAURA KEELING, ERT/NOAA Restoration Center
JIM LONDON, Director, NOAA Office of Law
Enforcement
MEL LANDRY, NOAA Restoration Center
BRAD MCHALE, Branch Chief, HMS Northeast
KATIE MOORE, Coast Guard
JOHN REGHI, NOAA Fisheries Office of Law
Enforcement
JAMES REINHARDT, ERT/NOAA Restoration Center
LT COLBY SCHLAHT, Coast Guard
TOM WARREN, NMFS HMS Northeast
SUZANNE LEA, Facilitator
RICK PEARSON, NMFS HMS Southeast
JENNIFER CUDNEY, NMFS HMS Southeast
KATIE DAVIS, NMFS HMS Southeast
LeANN HOGAN, NMFS HMS
DELISSE ORTIZ, NMFS HMS
STEVE DURKEE, NMFS HMS
JACKIE WILSON, NMFS HMS
CRAIG COCKRELL, NMFS HMS
GEORGE SILVA, NMFS HMS
JOSEPH DESFOSSE, NMFS HMS
JACKIE JOHNSON-CRAGG, NMFS HMS
ANDREW RUBIN, NMFS HMS

CONTENTS

Welcome.	6
Susan Lea, Facilitator	
Introduction of Facilitator, Advisory Panel and Staff.	6
Agenda Adoption	
Overview of Recent Activities/ General Updates.	8
HMS Division Staff	
Regulatory Actions, Landings, & Tournament Updates	
Exempted Fishing Permit Updates	
Endangered Species Act Updates	
IMO Number Implementation Status	
Office of Sustainable Fisheries	
Strategic Plan Status	
Deepwater Horizon Pelagic Longline Gear Project Update21
NOAA Fisheries Office of Habitat Staff	
Presentation, Questions & Answers	
HMS Advisory Panel Discussion	
Law Enforcement Updates.48
NOAA Fisheries Law Enforcement, General Counsel & USCG Staff	
Presentation, Questions & Answers	
HMS Advisory Panel Discussion	
Bluefin Tuna Management.61
HMS Division Staff	
Overview of Amendment 7, 2015 Quota Rule, Purse Seine EFP	
Presentation, Questions & Answers	
HMS Advisory Panel Discussion	
NMFS Leadership Remarks.87
Eileen Sobeck, Assistant Administrator for Fisheries	

Atlantic Shark Management. 131

HMS Division Staff

Amendment 5b, Final Amendment 6, Proposed
2016 Shark Specifications, Amendment 9,
Smoothhound Shark Assessment Results, Future
Stock Assessments. 142

Presentation, Questions & Answers

HMS Advisory Panel Discussion

Adjourn

1 P-R-O-C-E-E-D-I-N-G-S

2 (9:04 a.m.)

3 MS. LEA: Welcome everyone to the Fall
4 2015 Advisory Panel Meeting for the HMS.
5 Hopefully everybody had safe travels and
6 fortunately no one was on that plane that was
7 seen on the runway in flames. So that's good,
8 that did not look like good travels.

9 So we're going to go ahead and get
10 started with introducing folks. If we could do a
11 quick go-around, people would just, you know, let
12 us know your name, who you represent briefly and
13 then we'll make sure to go around and introduce
14 the HMS staff as well.

15 My name is Suzanne Lea. I'm a
16 facilitator and this is the third meeting that
17 I've been working with you all. And so I've
18 quite enjoyed getting to know about your issues,
19 getting to know the various people on the panel
20 and helping to facilitate good dialog on this
21 very important topic.

22 You know, a few ground rules, just as
23 a reminder. We try to share time, you know,
24 raise -- a lot of times there's a lot of
25 different points of view in the room which is
26 good. But, you know, always be mindful to be
27 respectful of one another and, you know, be
28 careful what cues you might send off
29 inadvertently. And you know, be mindful of how
30 your words might be taken which, you know,
31 generally I find people are, so it's one of the
32 reasons I enjoy working with you. So with that,
33 we'll go ahead and why don't we start over here
34 with Mark and go ahead and introduce ourselves.

35 MEMBER SAMPSON: Mark Sampson, Ocean
36 City, Maryland Recreational.

37 MEMBER WILEY: Angel Wiley, Maryland
38 Department of Natural Resources.

39 MEMBER PICKETT: Tim Pickett, I'm with
40 Lindgren-Pitman, Incorporated out of Pompano
41 Beach, Florida, commercial representative.

42 MEMBER SISSEWINE: Mike Sissenwine
43 representing the New England Fishery Management
44 Council but I also have affiliations with the
45 Woods Hole Oceanographic Institution and the
46 University of Massachusetts School of Marine
47 Science.

48 MEMBER GRAVES: John Graves, Virginia

1 School of Marine Science here representing the US
2 ICCAT Advisory Committee.

3 MEMBER STILLER: David Stiller,
4 commercial shark fisherman, Alabama.

5 MEMBER HUDSON: Russell Hudson,
6 Director of Sustainable Fisheries representing
7 the shark industry.

8 MEMBER MARSHALL: Heather Marshall for
9 Mote Marine Laboratory here as a proxy for Bob
10 Heuter.

11 MEMBER BELLAVANCE: Rick Bellavance,
12 I run a charter boat business in Rhode Island.

13 MEMBER WEINER: Chris Weiner, bluefin
14 and swordfish harpooner out of Portland, Maine.

15 MEMBER HANKE: Marcos Hanke, Caribbean
16 Fishery Management Council, charter operator.

17 MEMBER LAWSON: Jimmy Lawson from
18 South Padre Island in Texas representing
19 recreational.

20 MEMBER V. MILLER: Valerie Miller
21 representing Environmental Defense Fund.

22 MEMBER GERENCER: Bill Gerencer.

23 MEMBER GREGG: Lisa Gregg, Florida
24 Fish and Wildlife Commission.

25 MEMBER TAYLOR: Scott Taylor, Dayboat
26 Seafood, commercial.

27 MEMBER LINGO: Mark Lingo, Texas Parks
28 and Wildlife.

29 MEMBER WHITAKER: Ron Whitaker, a
30 Hatteras charter boat operator, recreation.

31 MEMBER AUGUSTINE: Pat Augustine, New
32 York recreational.

33 MEMBER ADRIANCE: Jason Adriance,
34 Louisiana Wildlife and Fisheries.

35 MEMBER JENKINS: Wallace Jenkins,
36 South Carolina Department of Natural Resources.

37 MEMBER GREGORY: Randy Gregory, North
38 Carolina Division of Marine Fisheries.

39 MEMBER BECKWITH: Anna Beckwith, South
40 Atlantic Council.

41 MEMBER BELCHER: Carolyn Belcher,
42 Georgia Department of Natural Resources.

43 MEMBER TWINAM: Mark Twinam, fishing
44 vessel captain, Easy Longliner, Gulf of Mexico.

45 MEMBER ODEN: Jeff Oden, North
46 Carolina commercial.

47 MEMBER SCANLON: Marty Scanlon,
48 commercial.

1 MEMBER GOLET: Walt Golet, University
2 of Maine School of Marine Sciences, academic.

3 MEMBER PURMONT: George Purmont, fish
4 spotter, commercial, aerial science.

5 MEMBER RUAIS: Rich Ruais, American
6 Bluefin Tuna Association.

7 MEMBER BOUSTANY: Andre Boustany, Duke
8 University.

9 MEMBER KELLY: Michael Kelly, Billfish
10 Foundation, recreational.

11 MEMBER S. MILLER: Shana Miller, The
12 Ocean Foundation.

13 MEMBER IWICKI: Steve Iwicki, Mid-
14 Atlantic recreational.

15 MEMBER KERSTETTER: Dave Kerstetter,
16 Nova Southeastern University in Fort Lauderdale,
17 academic.

18 MEMBER BEIDEMAN: Terri Beideman,
19 commercial, here representing Bluewater
20 Fishermen's Association and I'm going to move
21 over by Mike, better for my neck.

22 MS. LEA: All right. Well, it was
23 great to re-meet everyone, see everyone again.
24 We'll go ahead and introduce the HMS staff as
25 well now.

26 (Off-microphone introductions.)

27 MS. LEA: All right. Thank you for
28 all of you being here and we're going to go
29 ahead, we have a lot to cover today. So we're
30 going to start off with the general updates and
31 then we're going to talk about the Deep Water
32 Horizon pelagic longline Gear Law Enforcement
33 Update and then Bluefin Tuna Management, Atlantic
34 Shark Management is going to take up a lot of the
35 afternoon. And then we'll be doing a breakout
36 session later on with bluefin and then
37 recreational, subdivided just in case there's
38 still some discussion needed, desired on bluefin.
39 So busy day.

40 And so we're going to go ahead and get
41 started with Margo talking about our overall
42 updates.

43 MS. SCHULZE-HAUGEN: All right. So
44 I'm the only one that hasn't introduced myself.
45 Most of you know me but I am Margo Schulze-
46 Haugen, I'm the Chief of the HMS Management
47 Division. So sorry for the noise, hopefully
48 folks can hear over here. Apparently one of the

1 A/C units is out and so our -- that's acting as
2 our second A/C units. I think we'll probably
3 want all the A/C we can get but -- so we'll try
4 and keep the volume up. If you're having trouble
5 hearing raise your hand and we'll try and talk
6 louder.

7 So what I've got is the kind of
8 overview of what we've been doing since we met in
9 March. I won't be touching on things that we'll
10 talk about later in the day so most of the
11 bluefin and shark measures, essential fish
12 habitats, the rec stuff we'll cover later. I'm
13 not going to try and cover that here. And so
14 since March we have published two proposed rules,
15 the 2015 Bluefin Tuna Quota Rule and the 2016
16 Shark Specs.

17 We've published three final rules, the
18 2015 Swordfish Specs, Amendment 6, and then the
19 recent Bluefin Quota Rule is an example of
20 rulemaking that kind of comes and goes in between
21 an AP meeting. It doesn't happen very often but
22 on occasion it does. We also published the final
23 five-year review for the Atlantic HMS EFH as well
24 as the notice of intent to prepare Amendment 10.
25 This will be updating the EFH designations.

26 We've also had multiple inseason
27 actions and overseen about 20 workshops on the
28 protected species handling and release as well as
29 the shark identification. And so far we've
30 issued 35 exempted fishing permits, scientific
31 research permits or letters of acknowledgement.
32 We issued seven shark research history permits
33 this year with some changes coming from Amendment
34 6 that we'll talk about. We've got just under
35 250 tournaments registered and 5,400 folks
36 getting our last-serve notice.

37 So one of the first things I wanted to
38 touch on was an update on the IMO number
39 issuance. IMO is the International Maritime
40 Organization, it's a number that's issued by a
41 group called IHS Fairplay and the number is a
42 permanent number that's affixed to the vessel
43 permanently. It doesn't change regardless of
44 vessel ownership, whether the vessel is reflagged
45 or not, and so it's being used internationally as
46 a unique identifier that basically can track
47 boats no matter where they go. And it's an
48 attempt to deter the IUU, the Illegal,

1 Unregulated, Unreported Fishing Activities. And
2 so ICCAT two years ago adopted for their boats
3 that are 20 meters or greater the requirement to
4 have an IMO number.

5 IHS Fairplay uses a different standard
6 for issuing those numbers, they use a tonnage.
7 So if you're greater than 100 gross tons you can
8 get this number. And so for our vessels that are
9 both greater than 20 meters length overall as
10 well as greater than 100 gross tons, no problem,
11 you can get it, it's free. But we did have
12 boats, about 33, that fell in between where they
13 met the ICCAT length requirement but were under
14 the IHS Fairplay gross ton limit. And so we
15 worked with them directly to give -- to issue
16 those numbers, it was something that they needed
17 to develop. So the United States has been kind
18 of leading the way on that and other countries I
19 think will benefit in the long term.

20 For them to issue those numbers
21 directly, we provided them to the vessel owners
22 at the end of August. And so this will now
23 become a requirement for applications to complete
24 either on the open access permits site or the
25 limited access Southeast Regional Office permit
26 number where, if you don't fill that in, your
27 boat is greater than 20 meters, it's not a
28 complete application. So that I think we have
29 resolved and hopefully will be smooth running
30 from here out.

31 Our 2015 swordfish specifications base
32 quota was the same. The adjusted quota for 2015
33 is a little bit less, it reflects the change in
34 the ICCAT measure from carry-forward of 25
35 percent, it was reduced down to 15 percent
36 effective this year. So that's why you see that
37 drop there. And then our South Atlantic
38 Swordfish is the same as it has been.

39 And this year we had our first
40 swordfish inseason action for the general
41 commercial swordfish permit holders as well as
42 HMS Charter head boat permit holders when fishing
43 commercially. We had implemented in Amendment 8
44 a range from zero to six for retention limits
45 with inseason ability to adjust it within that
46 range. And so we had set a default limit of
47 three that would be in effect until changed.

48 And so this year we had a number of

1 requests for people that were making offshore
2 trips, wanting a higher retention limit to make
3 it more profitable. And then interest in
4 catching the U.S. quota, and so we adjusted that
5 up to the maximum of six for the Northwest
6 Atlantic, Gulf of Mexico and U.S. Caribbean.
7 That was in effect from July 30th and will be for
8 the rest of this year. The Florida Swordfish
9 Management Area remained at zero, we did not
10 adjust that.

11 For shark inseason actions, we'll talk
12 a lot about sharks this afternoon but I wanted to
13 highlight, we did have a number of closures.
14 Early May we closed the Gulf of Mexico blacktip,
15 aggregated large coastal and hammerhead
16 fisheries. Early June we closed the Atlantic
17 non-blacknose, small coastal and blacknose and
18 then followed with the Gulf non-blacknose, small
19 coastal and blacknose closure in early July.
20 Both of these latter two were affected then by
21 Amendment 6 so we'll talk more about that this
22 afternoon.

23 So update on landings, these are
24 commercial landings on BAYS tunas, this is the
25 bigeye, albacore, yellowfin and skipjack. You
26 can see through time landings have picked up in
27 July. Albacore landings have dropped off. We
28 see an uptick in yellowfin and bigeye.

29 Our recreational swordfish landings
30 are -- this is the first half of the year,
31 January through June, about on track to what
32 we've seen in recent years. And then our
33 recreational billfish landings, the white marlin
34 numbers, they come in in quarter three so this
35 doesn't reflect that yet. But again, seeing
36 similar patterns to what we've seen in the last
37 several years.

38 And then on tournaments, a couple
39 things. We were funded for a tournament, HMS
40 tournament economic study and so we'll be talking
41 about the study design later. But I wanted to
42 let you know that we've been doing a number of
43 site visits in preparation of that to get a
44 better understanding of the tournaments, what
45 kinds of questions would be kind of the best way
46 to get at some of the issues and pose the
47 questions. And so we're trying to visit a mix of
48 the different kinds of tournaments in the

1 different regions. So Gulf of Mexico billfish
2 tournament, shark New England tournament, a mixed
3 tournament in the mid-Atlantic, swordfish
4 tournament in Florida and then we have a couple
5 more coming at the end of this month. And so
6 this is something that we're excited about, it's
7 been very interesting and a learning experience
8 for us. It's good to get out.

9 And then we've also been continuing to
10 work on the ultimate goal of online registration,
11 working internally to merge databases. And then
12 we have an online registration portal that's in
13 beta testing and we are interested in seeing if
14 we have any volunteers to actually try this
15 system out. So I see one hand from Dave here, if
16 you are interested in that please see Katy or
17 Randy. We would like to get some folks trying it
18 out.

19 So shifting gears a little bit, on ESA
20 updates I had mentioned that we are undergoing
21 reinitiation of consultation for our pelagic
22 longline Biological Opinion, have been for some
23 time. And then in the fall due to the new
24 listings of 20 coral species as well as scalloped
25 hammerhead we also needed to reinitiate
26 consultation on our other biological opinions
27 which include the 2012 shark opinion as well as
28 the 2001 opinion on commercial hand gear,
29 recreational fishing, purse seine, kind of the
30 other HMS fisheries. So all of that now is
31 ongoing, we reinitiated on all of our opinions so
32 that's an update.

33 And then petitions to list various
34 shark species continued to come in and we're at
35 different places. For Porbeagle sharks the
36 Office of Protected Resources has the lead on
37 these, they had determined the initial petition
38 did not present substantial information and so
39 they had found a negative 90-day finding which
40 means they would not do a full status review.
41 That the petitioner sued and the court remanded
42 that decision to the agency. And so in March the
43 agency announced that we would conduct the full
44 status review and the conclusion of that is
45 expected at the end of this year. The status
46 typically concludes whether a listing is
47 potentially warranted or not. If there is a
48 positive finding for that, that listing may be

1 warranted, then there would be a proposed rule
2 with the public comment period and then a final
3 rule. So regardless, there will be more in the
4 process after that.

5 If it's a negative finding, at that
6 point then it's done.

7 We've also received petitions for
8 Smooth hammerhead, bigeye thresher and I believe
9 common thresher as well and we're at the earlier
10 stage of whether those petitions have merit or
11 not. And so more on that as we move forward.

12 A couple other things to mention, the
13 Louisiana greenstick study that's been ongoing
14 for a couple years, we're looking to finish up
15 the field work, get that report out hopefully
16 this -- not this fiscal year but this year.
17 We're continuing to report to ICCAT as necessary,
18 continues to be something that takes some work,
19 particularly vessel lists are complicated. We're
20 continuing to engage in support development of
21 the ICCAT Electronic Bluefin Tuna Catch Document
22 System, there's multiple fronts on that at a
23 policy level in terms of how the system should
24 work as well as the technical side of things.
25 We'll talk about our proposed rule that's in
26 development tomorrow but there's a lot that's
27 been going on, a lot of intersessional meetings
28 on this issue and we continue to be involved.

29 And then I had been mentioning the
30 last couple of meetings that the Caribbean
31 Council was looking at a number of closures. It
32 had asked that HMS be included in that process
33 and so we had participated and provided
34 information. At the last meeting the Council
35 decided to discontinue this amendment and so
36 there will be nothing further on that at this
37 time.

38 Our Electronic Dealer Reporting
39 System, we have about 450 dealers submitting
40 landings or negative reports on a weekly basis.
41 We are continuing to weekly compliance monitoring
42 and then this is the basis of our monthly
43 swordfish, shark and BAYS tunas updates. So it's
44 a useful system. And then the online individual
45 bluefin tuna quota system, this is one of the
46 pieces of Amendment 7 that is also online and up
47 and running with permit holders and dealers
48 having accounts.

1 So to shift gear a little bit here, I
2 wanted to touch on the Office of Sustainable
3 Fisheries' strategic plan. You should have
4 received a email from Alan Risenhoover last week
5 on this. It's gone through internal review and
6 now we're sharing it with our partners. And so
7 the advisory panel is a good partner in that
8 regard. It is an office-level plan and so the
9 HMS Division is one of four divisions within the
10 office.

11 We have kind of our own objective
12 within the first goal which is sustainable and
13 resilient fisheries and fishing communities. And
14 so the other being organizational excellence. So
15 we're looking for your input. I would encourage
16 you to look at all of the elements and objectives
17 because there are pieces that are cross-cutting
18 to the office that would be reflective of our
19 work, particularly things like communications and
20 partnerships aren't just in the HMS specific
21 goal.

22 And so we're looking for comments by
23 September 22nd, if you can. And I'll highlight
24 that Lindsay Fullenkamp -- give a wave -- with
25 the Office of Sustainable Fisheries is leading
26 that effort. So if you have any questions or
27 want to talk to her more about that she'll be
28 here, I think, through lunch today.

29 And then some updates on national
30 rulemakings, so you're all aware. If you
31 remember, we had worked on a national VMS
32 rulemaking to establish the type of approval
33 process and standards. That final rule was
34 finalized last December and that committed to all
35 of the VMS vendors submitting applications for
36 reapproval. The conclusion of that process was
37 done in early June and there were two, the
38 Skymate units and one of the CLS America units
39 that were not reapproved. And so those units,
40 their type of approval expires at the end of this
41 month. There is funding at this time for
42 reimbursement for replacement units and this is
43 the link to that form. So I would encourage all
44 of you that are affected by this to avail
45 yourselves of that. That funding is on a yearly
46 basis, it's not guaranteed in the future, so
47 please take advantage of it if you need to.

48 And then there was a proposed rule on

1 national standards 1, 3 and 7 that was in public
2 comment for the first part of the year. Domestic
3 fisheries, which is another division within
4 sustainable fisheries is the lead on this and
5 they are now reviewing the public comments that
6 they received. They received quite a few so
7 they've got their work cut out for them. And
8 then the Billfish Conservation Act and Shark
9 Conservation Act rulemakings are also continuing.

10 And then I wanted to highlight a
11 couple of the other more national initiatives.
12 They're not necessarily rulemakings but they're
13 things that the agency is working on in different
14 stages that I think would be of interest to you
15 all, either to engage in or just be aware of.
16 The national climate strategy was released last
17 month or early this month. This is laying out a
18 number of objectives for research and kind of
19 decision making and to support management moving
20 ahead as we changes from climate change. And
21 there is also a commitment for regional action
22 plans. These are being led by the different
23 science centers and so we have staff that are
24 participating in these working groups with both
25 the Southeast and the Northeast Fishery Science
26 Center. So you won't see an HMS climate plan but
27 you'll see HMS in those two plans from the
28 northeast and southeast.

29 Also tremendous amount of agency
30 effort going into the IUU task force which is a
31 presidential initiative. There is a variety of
32 working groups, different stages that we send out
33 the requests for comments on species that were at
34 risk. Lots of things happening here. John
35 Henderschedt who is the new Director of the
36 Office of International Affairs and Seafood
37 Inspection will be giving an update on this
38 tomorrow. He's very heavily involved in all of
39 these. So there's various points for public
40 input so I would encourage you to engage.

41 There's also a lot work nationally on
42 the Saltwater Recreational Fisheries Plan and
43 then also work next on updating regional plans.
44 This is part of what Russ Dunn is working on.
45 And HMS in this case has its own regional plan
46 and so you'll see -- and this is part of what
47 we'll talk about later this afternoon.

48 Another science-side initiative is

1 prioritizing fish stock assessments. This has
2 been released and it lays out a number of
3 different factors to consider as you're deciding
4 what species to assess and what frequency. And
5 so we'll talk about this as we look at some of
6 the shark stock assessments. The ICCAT species
7 are set in their own way so this would affect
8 mostly the domestically managed sharks.

9 And then two things that are coming
10 soon, Domestic Fisheries has been working on an
11 analysis of U.S. fisheries management looking at
12 the FAO eco-labeling guidelines to see how U.S.
13 fisheries management kind of compares. And so
14 this is something that should be coming out, I
15 believe, next month. I think that shows that
16 we're doing pretty well compared to what FAO has
17 to say. So make sure you are aware of that when
18 that comes out. And then also the agency is
19 updating the national bycatch report. This is
20 again a national report on bycatch in all of the
21 fisheries. The last time we did this was in 2011
22 so this is underway. I believe the target for
23 release of this is early next year at this point.

24 So looking ahead, I believe we are on
25 the brink of ICCAT season with preparations for
26 the annual meeting in November coming up. We
27 have the fall advisory committee meeting in early
28 October so we have stock assessments for bigeye
29 tuna and blue shark this year. So likely there
30 may be some measures on that. I fully expect
31 that the EBCD Program to be a major part of the
32 discussions. We will likely pursue things
33 attached to them -- and don't quote me -- and
34 then a variety of other monitoring control
35 measures are usually on the table. So not
36 necessarily the biggest year but we've got
37 multiple species assessments, certainly enough to
38 keep us busy.

39 And then upcoming proposed rules from
40 us would be the eBDC Implementation Rule, that
41 should hopefully be out later this month. And
42 then a proposed rule on Amendment 5b, we'll be
43 talking a bit about some new analyses we have
44 later today. And then upcoming final rules would
45 be Amendment 9, the comment period closed and we
46 have the new stock assessment results for
47 smoothhound so we'll talk about that. And then
48 our 2016 shark specifications, we're trying to

1 get that out before the first of the year.

2 And then just as always, my goal for
3 the meeting is open, full communication. I don't
4 want to have you all surprised by anything we're
5 doing and one of my goals is to get the
6 information on some of the impacts or some of the
7 implications of what we're working on so that
8 decisions that we make are fully informed. We
9 ask that you not only share with us the views
10 from your community, you're representing a voice
11 in a community, but also to take the information
12 that we share here and the views that you hear
13 back home. So it's a two-way communication
14 street.

15 And finally, we don't need to dwell on
16 this but we've got a lot, we've got a busy day
17 today, a lot to talk about. So with that, any
18 questions for me?

19 MS. LEA: Terri?

20 MEMBER BEIDEMAN: Okay. Can you go to
21 slide, I think 8, page 8? No, that one. Thank
22 you.

23 These are charts that we see very
24 frequently also in ICCAT reports as, you know,
25 national reports to U.S. -- to ICCAT, et cetera.
26 That information is coming from where exactly,
27 which sources?

28 MS. SCHULZE-HAUGEN: This is from the
29 eDealer system so this is dealer report based.
30 What would be reported to ICCAT includes all of
31 the data sources, logbooks, dealer, discards,
32 more than this. So this should be considered
33 preliminary.

34 MS. LEA: Mike?

35 MEMBER SISSEWINE: Yes, thank you.

36 If you could go to slide 10, please,
37 which is the recreational billfish landings? I
38 find it interesting that in 2010 about 10 percent
39 of the marlin-like species were actually round-
40 scaled spearfish and this raised some concern
41 because of species identification issues, the
42 implications for the stock assessment. But that
43 percentage has steadily declined to where it's
44 now one or two percent. I'm wondering whether
45 this is a real change -- Margo, you may not know
46 the answer to this but somebody may. Whether
47 this is a real change or there has been some
48 change in the attention put to species

1 identification or something of that ilk. Anyone
2 have a sense of that? And if not at the moment
3 they could get back to me.

4 So you actually know? Okay, thank
5 you.

6 MEMBER GRAVES: Yeah, it -- most of
7 those that are reported there aren't the self-
8 reported, they're the tournaments. And the
9 incidence of round-scale spearfish in tournaments
10 varies dramatically from year to year. This year
11 at the White Marlin Open and Mid-Atlantic
12 Tournament about 40 percent of the animals that
13 were brought so -- to the weigh station, so that
14 would be the top five percent. Forty percent of
15 those were actually round-scale spearfish. But
16 if you look throughout the fisheries at the other
17 size classes it's really right there around five
18 percent. So there's a bias in the tournaments
19 because they're only looking at the biggest fish.

20 MS. LEA: Mike?

21 MEMBER SISSEWINE: Okay. Thank you
22 for that. I appreciate that information.

23 Just a couple of comments on your
24 presentation, Margo. One, I think it's excellent
25 that the agency is looking at essentially how its
26 fisheries management stacks up against the FAO
27 guidelines for eco-labeling. I assume that's for
28 all fisheries not just HMS? I think that's an
29 excellent initiative and I would presume it will
30 show that the U.S. does rather well compared to
31 the rest of the world which is a good positive
32 message for our industries.

33 I have a comment on the -- related to
34 the ESA issues and the importance of potential,
35 importance of shark listings. Of course, we all
36 want and expect that all the management is
37 science based and we know the science base for
38 fisheries management under Magnuson, I mean, I
39 mean basically the domestic is SEDAR. We know it
40 internationally for ICCAT. But increasingly the
41 management of the fishery is going to one way or
42 another be under the influence of ESA, especially
43 as more sharks are listed. And it's not nearly
44 as clear to me what the science base is for
45 status determinations for ESA, what the peer
46 review processes are, transparencies, all of
47 those sort of things. And these have been
48 growing issues that have concerned me for a long

1 time. I was involved in arguing about them at
2 one time in my career.

3 It would be useful at some time in the
4 future, not necessarily now, but this panel
5 really be thoroughly -- get a thorough
6 understanding of what that process is. I'm
7 particularly interested in it from the science
8 side, what is the process of gathering the
9 science, assuring that it's transparent peer
10 review and so on? So I'd request that for
11 sometime in the future. Thank you.

12 MS. LEA: Rom?

13 MEMBER WHITAKER: Yes. On page 12 it
14 says "merging HMS and recreational billfish
15 survey database." Is this tournament information
16 only? And I'm a little bit confused about what
17 you're trying to merge and how you're trying to
18 do it.

19 MS. SCHULZE-HAUGEN: Yes. So this
20 would be for tournament registration where we
21 ended up just, based on how things went over
22 time, with two databases. One in the Southeast
23 Fisheries Science Center Miami Lab and one in our
24 HMS St. Petersburg area. And so it doesn't make
25 a lot of sense so we're -- in the interest of
26 creating an online registration portal, one-stop-
27 shopping, we're putting those two databases
28 together and that's what that's referring to. So
29 it's really most just the internal mechanics.

30 MS. LEA: Mark and then Pat.

31 MEMBER TWINAM: On page 17 the third
32 bullet, the Billfish Conservation Act says, "to
33 codify the prohibition of possessing billfish."
34 What does that mean, codifying?

35 MS. SCHULZE-HAUGEN: So it's
36 implementing via regulation what's in the
37 statute. So it's pretty standard for when a
38 statute is passed then the agencies develop
39 implementing regulations. So that's -- it's what
40 that process is.

41 MEMBER TWINAM: My question was then
42 that since the longliners have cameras on there
43 now is there never any hope of selling a billfish
44 again? Does that make it permanent or --

45 MS. SCHULZE-HAUGEN: Well, so in the
46 Atlantic, the possession and sale commercially of
47 billfish has been prohibited since 1988. What
48 this Act does is apply mostly with an exception

1 in Hawaii that that same sort of standard and
2 requirement to the Pacific. So it would not
3 affect the Atlantic, that would be unchanged.

4 And just to be clear, the statute is
5 kind of law of the land at this time. It's just
6 we're working through the process to develop
7 regulations. That's all.

8 MEMBER TWINAM: I'm just out of the
9 loop, you know, for a while, and I just didn't
10 know if with the cameras on there now we can hold
11 the billfish up and it doesn't move we should not
12 have to throw it back, we should be able to sell
13 it. I'm just curious if this makes it that much
14 harder to overturn something like that.

15 MS. SCHULZE-HAUGEN: I would say yes,
16 now that we've taken a statutory change. So it
17 would be an act of Congress to change that.

18 MS. LEA: Pat?

19 (Pause.)

20 MS. LEA: I'm sorry, Rich?

21 MEMBER RUAIS: Maybe with that
22 statutory change we could -- well, no, never
23 mind, forget that. Forget that.

24 I assume that what you've done now,
25 Margo, for us is provided an excellent overview
26 of today's activities. But we are going to get a
27 specific presentation on some of these sub-issues
28 like the sustainable fisheries strategic plan?
29 Are we going to get a PowerPoint on something
30 like that?

31 MS. SCHULZE-HAUGEN: So not
32 specifically on the strategic plan. We presented
33 that in the spring and the document itself now
34 has been shared with you all for comment. So I
35 don't have a specific presentation but Lindsay
36 would love to talk to you.

37 MEMBER RUAIS: Okay. Well, I can skip
38 over that one then. But I had just read it and
39 was prepared to talk about it.

40 But anyways, also on the bluefin, in
41 terms of the quota rule, the 2015 quota rule, I
42 noticed it's not in the handout. So again, are
43 we going to get a PowerPoint presentation to talk
44 about that whole issue under bluefin tuna
45 management from 11:00 to 12:30 p.m.? Is there
46 going to be a PowerPoint then?

47 Okay. Thanks.

48 MS. LEA: All right. I'm not seeing

1 any more questions. So why don't we go ahead and
2 move on over to the Deepwater Horizon Pelagic
3 Inlongline Gear Project update? This will be
4 will Randy and a number of folks from Habitat.
5 So we'll let folks get situated up here.

6 MR. LANDRY: Good morning. I'm Mel
7 Landry with the NOR Restoration Center, I am
8 based in Baton Rouge, Louisiana. I'm joined here
9 this morning by Jamie Reinhardt, also with the
10 NOR Restoration Center, Laura Keeling also with
11 the NOR Restoration Center, and I think Randy's
12 down there with the HMS Division. We represent
13 kind of the core team that is developing this
14 pelagic longline bycatch production project under
15 Phase IV of early restoration for Deepwater
16 Horizon.

17 We're in the early stages of
18 development of this project and we're presenting
19 to you kind of our preliminary thoughts on how we
20 would implement this project. The project is
21 still proposed and we are finalizing the Phase IV
22 final plan. We invite your suggestions on how we
23 can achieve greater success in this project with
24 regards to restoring those resources damaged by
25 the spill. So please take notes, if you have
26 some questions please ask us at the end. Or if
27 you want to grab one of the four of us during a
28 break, please do so.

29 So this proposed project is part of a
30 package of ten projects that were submitted for
31 public consideration as Phase IV of early
32 restoration for the damages for the Deepwater
33 Horizon spill. The package was on the street for
34 public review from May 20th until July 6th of
35 this year and public meetings were held in
36 Florida, Alabama, Mississippi, Louisiana and two
37 in Texas. The trustees are currently reviewing
38 public input from those meetings and other
39 sources and are finalizing the plan at this time.

40 We'll start with a little review of
41 natural resource damage assessment, you guys are
42 probably a lot more familiar with the fisheries
43 part of this than even some of us are but I
44 wanted to make sure you guys knew the scope of
45 our intent of this project. The objective of
46 natural resource damage assessment or NRDA, or
47 "NeRDA" as some refer to it, is to make the
48 environment and public whole for injuries to

1 natural resources and services resulting from an
2 incident involving a discharge or substantial
3 threat of discharge of oil. The goal of NRDA is
4 the restoration of natural resources, not the
5 monetary compensation for the loss of those
6 resources.

7 The trustees for the Deepwater Horizon
8 NRDA include representation from agencies in the
9 Gulf states, Florida, Alabama, Mississippi,
10 Louisiana and Texas, as well as the federal
11 trustees which include the Department of
12 Interior, the Department of Commerce represented
13 by NOAA, the Environmental Protection Agency and
14 the United States Department of Agriculture. The
15 role of the trustees is to assess damages to
16 natural resources and to develop a plan to
17 restore for those natural resources that were
18 injured as a result of the spill.

19 NRDA has three stages. During a pre-
20 assessment the trustees go out in the field and
21 they collect ephemeral data to assess whether
22 damages are occurring or are likely to occur,
23 what resources might be injured and whether or
24 not it's appropriate to move on to the next
25 stages.

26 The next stage is injury assessment
27 and restoration planning. During that stage the
28 trustees go out and conduct studies to assess the
29 injury to the natural resources occurring from
30 the spill or the response to that spill.

31 And then during restoration
32 implementation -- well, during that stage it's
33 injury assessment and restoration planning, we
34 also develop a plan for restoring for those
35 injured resources. And then during restoration
36 implementation the trustees go out and actually
37 conduct injury -- restoration commensurate with
38 that injury to those natural resources.

39 This very complicated, unfortunately,
40 figure generally depicts the early restoration
41 process which we'll go into a little bit greater
42 depth here. But this is the process which is a
43 little bit outside the typical NRDA process that
44 we're operating in for Phase IV which this
45 project is a part of. It includes project
46 solicitation which could be from agencies or from
47 the public, if there have been public portals,
48 where interested public or agencies were able to

1 submit projects for consideration. The trustees
2 then select projects for development and
3 negotiate those projects, the cost of those
4 projects, the scope of those projects and the
5 benefits derived from those projects with BP.
6 Then those projects, once negotiated, go out for
7 public review and comment and are finalized in an
8 early restoration plan.

9 On April 21st, 2011 the trustees
10 entered into agreement with BP whereby BP
11 committed \$1 billion for early restoration that
12 could occur during and outside the NRDA process.
13 So while we're waiting for that process of
14 assessing injury which can take some time to be
15 completed, we have this money to work with to
16 begin restoring injuries to natural resources
17 that occurred as a result of the spill. Five
18 hundred million dollars of that one billion
19 dollars was split equally among the Gulf states
20 in Florida, Alabama, Mississippi, Louisiana and
21 Texas. Two hundred million dollars was split
22 equally between the federal trustees at the time
23 of that agreement which were NOAA and DOI, and
24 then three hundred million dollars was dedicated
25 for state implemented and recommended projects
26 that were evaluated and approved by the federal
27 trustees.

28 Let me make it clear here that these
29 projects that are submitted and considered for
30 public review and ultimately implemented under
31 early restoration are not intended to address all
32 of the injuries that resulted from the spill and
33 the response to the Deepwater Horizon. That
34 includes the project we are evaluating and
35 discussing with you today. They will -- we will
36 continue the assessment process and ultimately
37 the responsible parties, BP and the other
38 responsible parties, will be required to
39 compensate the public through restoration for all
40 the injuries that occurred.

41 This is just an example of some of the
42 peer reviewed publications on the street that
43 give some example of analysis of potential
44 exposure to pelagic resources and their toxicity
45 to the chemicals that were released in the
46 environment as part of the spill or the response.
47 Just to tie this -- that injury portion, that
48 injury assessment or portion of NRDA back to this

1 particular project that NOAA has proposed for
2 early restoration.

3 So that brings us to the pelagic
4 longline bycatch production project. All right,
5 in the Gulf of Mexico, as you know, pelagic
6 longlines are used to target yellowfin tuna and
7 swordfish which are well managed and are not
8 considered to be overfished, nor is overfishing
9 occurring. But they also interact with a number
10 of other species and those are species that may
11 be discarded either due to limited dockside value
12 or regulatory requirements. And many of these
13 species are also species that are believed to be
14 injured as a result of the Deepwater Horizon
15 spill. As you're also aware, Amendment 7
16 recently has changed the management of this
17 particular fishery.

18 So therefore, NOAA has proposed this
19 project under early restoration. Here is just a
20 diagram, a line diagram of PLL gear, something
21 that you all are no doubt very familiar with.
22 And here we see a map of the ports of landing for
23 the PLL fishery in the Gulf of Mexico with
24 landings in Texas, Louisiana, Alabama and
25 Florida.

26 So down to the project, the goal of
27 the project is to restore Pelagic fish biomass
28 that was injured as a result of the spill through
29 actions that are expected to reduce fishing
30 mortality from bycatch and regulatory discards in
31 the Gulf of Mexico pelagic longline fishery.
32 This is to be accomplished through three
33 integrated actions. A voluntary compensation
34 base proposed from PLL fishing, so that would be
35 a cessation in fishing. We'll talk more about
36 each of these in the upcoming slides. The
37 provisioning of alternative gear to continue the
38 harvest of yellowfin tuna and swordfish and
39 monitoring.

40 So the repose, the repose would be a
41 compensation based voluntary annual six-month
42 repose from PLL fishing in the Gulf of Mexico.
43 So to put that in English, we would negotiate
44 with pelagic longline fishermen in the Gulf of
45 Mexico, determine appropriate compensation for
46 their participation and they would voluntarily
47 participate in a six-month repose, a six-month
48 cessation in fishing during the first two

1 calendar quarters of every year. And this is
2 designed to coincide with bluefin tuna spawning
3 in the Gulf of Mexico. During the repose period
4 those fishermen participating could continue to
5 fish for yellowfin tuna and swordfish but only
6 using the provided alternative gears.

7 Which brings us to the next slide, the
8 next component is the provisioning of two
9 alternative gear types and the -- to pelagic
10 longline fishermen participating in the project.
11 There's a greenstick gear and buoy gear. During
12 the PLL repose period during the first six months
13 of every calendar year fishers would be
14 encouraged and/or incentivized under the project
15 to use the alternative gear to harvest targeted
16 species, yellowfin tuna and swordfish. And the
17 objective is to reduce adverse financial impact
18 to the fishers and help maintain the local
19 economies during those repose periods.

20 We also have components of the project
21 that provide technical extension services,
22 research, outreach and training on the use of
23 these alternative gears as they're not highly
24 utilized in the Gulf of Mexico at this time. And
25 those services would be provided to -- Dave's got
26 a lot of experience over here, I'm sure he's
27 going to have a lot of comments -- to educate the
28 users on the gears throughout the course of the
29 project.

30 I want to make one thing perfectly
31 clear here, we understand there's some
32 apprehension about using these gears and their
33 ability to catch these species in the Gulf of
34 Mexico, and we are not here to imply that these
35 alternative gears will fully replicate the
36 targeted catch from the pelagic longline gear.
37 But our hope is, our main goal for this project
38 is to restore for the natural resources injured
39 under the spill. And as part of -- during that
40 opportunity as part of this project to allow
41 fishers to evaluate these alternative gears, to
42 consider them for future use.

43 Some simple line diagrams of the
44 alternative gears that would be provided, buoy
45 gear here on the top for use in targeting
46 swordfish and greenstick here on the bottom for
47 targeting yellowfin tuna.

48 And finally of course, we have a very

1 robust monitoring component to ensure that the
2 efforts we undertake help to restore for those
3 resources that were injured as a part of the
4 spill. So we've included a full-draft monitoring
5 plan within the Phase IV early restoration plan
6 which is still in draft form for a lot of those
7 monitoring programs, for capitalizing on existing
8 data collection programs such as the Pelagic
9 observer program for baseline data. And perhaps
10 modifications to that program to allow us to
11 input data collected during the use of
12 alternative gears.

13 A little bit more information on the
14 project, the total budget is \$20 million. The
15 resource benefits calculated based on the project
16 are based on 60 vessel years of participation.
17 So a vessel year is one vessel participating for
18 one calendar year, so it would be those first two
19 quarters of the year. So we did it that way to
20 provide ourselves flexibility based on
21 willingness to participate. So we need 60 vessel
22 years so 60 vessels participating over one year
23 would get us 60 vessel years. There aren't that
24 many permits in the Gulf of Mexico so that won't
25 happen. It could more be like something ten
26 vessel years over six years would get us sixty
27 years or six vessels participating over ten years
28 could get us sixty vessel years.

29 Again, as I mentioned before, the
30 alternative gears are not anticipated to fully
31 replicate the catch of the target species from
32 PLL gear and we're not here to suggest that they
33 do at this time.

34 So an overview of the process and
35 where we are, BP committed that \$1 billion, the
36 trustees developed this project for negotiation
37 with BP, drafted an early restoration plan for
38 the public's consideration which they reviewed.
39 And we're currently about where that arrowhead is
40 between public review and final plan.

41 You can find more information on the
42 projects including English and Vietnamese
43 versions of the project chapter that's in the
44 early draft restoration plan as well as shortened
45 project fact sheets at the website that's noted
46 here, GulfSpillRestoration.NOAA.gov.

47 So draft timeline for implementation,
48 we've completed negotiations. We are currently -

1 - we have the draft plan which public comments
2 have just closed, we're reviewing that input. We
3 plan to develop the project implementation in the
4 coming months and next year institute all the
5 pieces that will need to be in place for
6 implementation with a goal of implementing the
7 first period of repose during the first two
8 quarters of calendar year 2017.

9 And with that I'll open it up for
10 questions. Thank you.

11 MS. LEA: All right, I'm seeing Pat.
12 Rich, did you still have yours up from before?
13 Okay, that's what I thought. So Pat and then
14 Bill and then Dave and then Mike.

15 MEMBER AUGUSTINE: Thank you for your
16 presentation. Very thorough and complete.

17 Go back to the basic question and what
18 you ended up with in your last chart. What is
19 the time that it would basically take in a cycle
20 when you identify that there has been a problem?
21 In other words, early on in the process, you
22 showed in the first or second or third, early on
23 you showed the process -- there it is right
24 there, next stage. The stage there. That stage
25 process itself just kind of encapsulated the last
26 chart. But what would be an actual timeframe?
27 Give me an example? We had another BP problem
28 today, how long would it take raw fishermen,
29 we're part of the 10 or 60 and we're hurting bad.

30
31 So how long would it take for you,
32 having the information that you have about our
33 fishing capability, what our quotas have been,
34 what we've been landing and all that stuff, how
35 long would it take from the moment of the problem
36 to the time when we received compensation and we
37 have to go using a new technique? I just need an
38 example just to clear it up in my head so when I
39 take it back home I'll be able to talk a little
40 more intelligently about it.

41 Thank you.

42 MR. LANDRY: So that's a really hard
43 question to answer because, if these are -- the
44 amount of time it might take to determine injury
45 would vary greatly depending on the complexity of
46 the impact to the environment. So if we were
47 talking an isolated injury in a single bay to a
48 small area, assessing the impacts could be

1 relatively quick. Whereas with the Deepwater
2 Horizon spill we're talking about injuries that
3 are potentially over a vast area affecting many
4 life stages and perhaps subsequent generations of
5 fish. So determining the ultimate injury in
6 total over time is much greater than it would be
7 than if it were a narrower scope of injury over a
8 narrower geographic range.

9 MEMBER AUGUSTINE: So my follow-on
10 question would be then, let's say it's a simple
11 little issue in a bay? Can you give me a
12 timeframe here? I'm trying to put my arms around
13 this thing, when you stop and think of the number
14 of folks that were affected with the BP, and yes
15 it did spread out over a large area, how much
16 compensation they received. Injury to the
17 environment, and from what I understand from
18 talking to some folks down there, there's still
19 some extenuating damage, if you will.

20 All of this looks great in a
21 presentation but in reality when I have to go
22 back to work and I can't supply product to my
23 buyer I'm out of business. So I really need
24 something I can get my arms around so that I'm
25 not going to go on either Social Security or
26 unemployment or burn my boat to get insurance
27 money. I mean, those are my options, quite
28 frankly.

29 And so can you give me something a
30 little more concrete?

31 MR. LANDRY: So I believe we may be
32 talking about two -- there are two processes at
33 work here. One is the natural resource damage
34 assessment which we covered here and this project
35 falls under. And the other are the civil
36 approaches to restitution from monetary injury.
37 And it sounds like maybe the latter is what
38 you're referring to. Unfortunately that's not
39 what I deal with and I probably can't
40 satisfactorily answer your question. Because I
41 really deal with these -- my job and my breadth
42 of knowledge deals with those injuries to natural
43 resources and doing restoration to restore those
44 natural resources, not the monetary compensation
45 for your losses.

46 MEMBER AUGUSTINE: So that -- I don't
47 mean to belabor it. So where do we get that
48 information? I mean, you may not be able to help

1 me but you're a resource.

2 MR. LANDRY: Yeah. I'll try to get
3 you -- there's a Gulf claims website, I'll try to
4 get you the exact website address for that before
5 one of us leaves today.

6 MEMBER AUGUSTINE: Thank you.

7 MR. LANDRY: You're welcome.

8 MS. LEA: Thanks, Pat.

9 All right. So we have Bill, Dave,
10 Mike, Shana, Michael, Marty and Terri so we have
11 a lot of folks in line to ask questions.

12 MEMBER GERENCER: Thanks. Nice
13 presentation.

14 I forgot, is your name Mel?

15 MR. LANDRY: Yeah. Mel Landry, I'm a
16 --

17 MEMBER GERENCER: Thanks, Mel. And
18 you're with the NOAA restoration center and I was
19 just looking at it and it says it's the only
20 office within NOAA solely devoted to restoring
21 the nation's coastal marine and migratory fish
22 habitat which I fully support. And but I have a
23 couple of questions about this particular
24 project. So what we're focusing on is on
25 restoring the Gulf of Mexico from the damages
26 that were done by the Deepwater Horizon spill and
27 the subsequent treatment of the oil with a lot of
28 dispersants , et cetera.

29 And I'm confused about this project
30 because it seems like we're addressing the
31 damages done by a giant oil spill by asking
32 pelagic longliners to fish less. And I'm trying
33 to get my head wrapped around how that repairs
34 damages caused by an oil spill. I mean, back in
35 2010 when we sat in this room about a month and a
36 half after the thing popped and everybody around
37 this table was concerned about the oil and the
38 dispersants. And we all spoke with one voice and
39 at the end of the day a person from NGO got up
40 and said what we really need to do is ban
41 longlining in the Gulf of Mexico and I thought he
42 was joking. But maybe I was wrong. So I have a
43 couple of questions direct to that.

44 The repose I'm assuming is voluntary?

45 MR. LANDRY: Yes.

46 MEMBER GERENCER: And would there ever
47 -- would you ever conceive of a time where we
48 said, well, it's really not working so we have to

1 make the repose mandatory?

2 But what I'm more concerned about is,
3 I know you're looking at, you know, financially
4 compensating pelagic longliners in the Gulf of
5 Mexico for not fishing. But have you done any
6 analysis on the impact that's going to have on
7 the marketplace and are you prepared to
8 compensate those of us in the marketplace that
9 will be impacted by the price increase caused by
10 a significant shortage of yellowfin tuna and what
11 it's going to do to us and our customers?

12 And but it comes back to my initial
13 point and maybe that's sort of a, I don't know,
14 question you don't need to answer. But I'm still
15 trying to figure out if the best use of \$20
16 million slated for restoring the habitat in the
17 Gulf of Mexico by an entity that's devoted to
18 restoring the nation's coastal marine and
19 migratory fish habitat, which again I fully
20 support, habitat's very important, I don't see
21 how figuring out how to get pelagic longliners
22 out of the picture does anything for habitat.
23 And I wonder if this is the right organization to
24 be doing that. I mean, maybe that's a valid
25 discussion but I don't see where it fits in with
26 habitat restoration. Maybe you can enlighten me
27 on that.

28 MR. LANDRY: So appreciate your
29 comments and your questions. The way the
30 restoration center is defined on the website and
31 the way we've typically carried out our mission
32 has been habitat focused. Because historically
33 much of the injury that has occurred due to oil
34 spills around the nation has been either directly
35 largely to habitat or the means to addressing
36 resource injuries is through the restoration of
37 habitat, one of the best means.

38 Because of the location and extent of
39 this spill there were resources that were damaged
40 such as Pelagic fin fish that are really not very
41 well suited to restoration through a habitat
42 approach. These are not species that, if we
43 build a bunch of coastal marsh we're not going to
44 restore yellowfin tuna. So restoring directly
45 for resources is not something that is completely
46 foreign to us, it's not typically our focus, but
47 it is certainly something over the past five
48 years since the spill that we have been staffing

1 up to accomplish so you might say that our focus
2 and our mission is flexible enough to be able to
3 address these injuries resulting from the spill,
4 or at least we hope so.

5 Your question to how the project
6 addresses the damages or how we perceive the
7 project should address those damages, the concept
8 here is to increase and restore for the biomass
9 that was injured. So to ultimately calculate a
10 biomass injury based on exposure and toxicity to
11 the fish in the Gulf of Mexico and then to
12 replace that biomass through implementation of
13 projects such as this. The concept being that if
14 we leave the fish in the water for a period of
15 time, those fish will not only grow but also
16 breed and there will be more of them in the water
17 than would have -- might have been there
18 otherwise producing additional fish. So that is
19 how the benefits were calculated. Happy to hear
20 additional thoughts on that, certainly.

21 As far as whether -- of course the
22 repose is voluntary and compensation base here.
23 Whether we would ever consider a mandatory repose
24 or elimination of that fishery, that is not
25 something that we've considered here under
26 Deepwater Horizon early restoration. That would
27 be a question better suited probably for the
28 management.

29 This fishery is -- the target fishery
30 is not overfished nor has overfishing occurring.
31 It's not the target fishery that we are really
32 deriving most of our benefits from for this
33 project. It's the bycatch from that fishery.
34 We're not here to villainize pelagic longline
35 fishers, we're just here to recognize that by
36 taking these actions we can leave those
37 additional fish in the water over a period of
38 time increasing the biomass of those species that
39 were injured.

40 And we talk about injury to species,
41 we're talking about more than injury to kind of
42 the charismatic species that we're most concerned
43 with, the billfish, the swordfish, the tuna.
44 We're also talking about injury and exposure to
45 these other bycatch species as well.

46 As far as financial compensation and
47 impact to the marketplace, we are in the fairly
48 early stages of the development of this project

1 so that's why we're coming to you now. If you
2 have suggestions of how we should consider those
3 impacts and what would be the best methods to
4 address those impacts then we certainly want to
5 hear from you. Particularly, of particular
6 interest to me would be hearing of maybe a
7 threshold, if we were to put a limit on how many
8 might, how many fishermen might participate in a
9 given year that would spread the length of time
10 out over which the project would be implemented,
11 that would minimize your impact over the year.

12 Maybe one way to address those, again
13 it could be as few as six fishermen in the entire
14 Gulf of Mexico participating would complete the
15 goals of this project within ten years. But if
16 you have any other suggestions, please let us
17 know.

18 MEMBER GERENCER: A follow-up to that,
19 to me the optics look like this, the -- part of
20 the responsibility for cleaning up this disaster
21 now belongs to the pelagic longline community in
22 the Gulf of Mexico even though they were probably
23 impacted by it.

24 And the second thing is that somehow
25 fish populations are now habitat. I mean, I --
26 again, I applaud your mission, it just looks to
27 me like this is outside your scope. And the \$20
28 million I'm assuming came out of the \$200
29 million, ten percent of that amount is an awful
30 lot of that money to be spent on something that's
31 typically not in your bailiwick. And you know,
32 it's probably a train going downhill that can't
33 be stopped now, but again I would love to see
34 this money spent on habitat. I'm still not
35 convinced that fish are habitat and I'm not
36 convinced that the pelagic longline community is
37 responsible for cleaning up this mess.

38 Thank you.

39 MR. LANDRY: Yeah, Randy?

40 MR. BLANKINSHIP: So Bill -- this is
41 Randy Blankinship -- your suggestion there about
42 looking for ideas of how to address habitat is a
43 good one. And I would highlight that we would
44 welcome suggestions about how one would go about
45 doing restoration of impacts to habitat. In this
46 particular case we're talking about the bluewater
47 situation so offshore pelagic environments and
48 how to restore habitat since -- you know, along

1 the lines of what you're suggesting. So you
2 know, while we presented what we presented here,
3 it's not outside the realm of discussion here to
4 talk about, you know, suggestions like that.

5 MEMBER GERENCER: Well then, I have a
6 quick question for you. Have you identified --
7 the target species you're trying to help by
8 cutting off the longline fishery in the Gulf of
9 Mexico were impacted by the oil spill in a
10 certain manner. And have you addressed those
11 impacts? I mean, were they impacted because in-
12 shore areas that they would spawn in became toxic
13 to them, et cetera? And I don't -- I'm no expert
14 in restoring habitat but I'm assuming you've
15 exhausted all of those opportunities and
16 investigations and came up with this way to do
17 something with the pelagic longline fleet?

18 MR. LANDRY: Yeah. And so I think
19 you've actually hit on the crux of the issue
20 which is, while in-shore habitat and near-shore
21 habitat is something that has been a history of
22 restoration efforts, and technology and all that
23 have been developed in order to address those
24 kind of issues. In offshore Pelagic open ocean
25 habitat situation, this is kind of a new thing.

26 The other piece of that is that the
27 bycatch species and target species of the pelagic
28 longline fishery don't have -- most of them don't
29 have a life cycle that really incorporates
30 exterrain environments in many cases, most cases.
31 So you're looking at offshore species with
32 offshore life cycles. That makes that addressing
33 habitat issue very much a challenge. And so
34 still, open to ideas and suggestions along those
35 lines.

36 I'll just add that we've spent about
37 \$800 million of the \$1 billion once we get past
38 Phase IV and finalized. This is the first
39 project that has been suggested under this
40 process that doesn't directly address habitat or
41 human use access to these resources. So we are
42 doing a lot of work in habitat but this -- we're
43 here to present this particular project to you,
44 we didn't cover those other projects. But we
45 could highlight those as well in other forums.

46 MEMBER GERENCER: Well, if it doesn't
47 address habitat why is a organization, part of
48 the government which I have great respect for the

1 United States government, that's solely involved
2 in habitat even on the playing field? Wouldn't
3 there be a better way to get to this than -- I
4 mean, you still have a lot of habitat projects
5 that you can be working with and --

6 MR. LANDRY: Yeah, I appreciate that.
7 Again as I stated, historically most of our work
8 has been in habitat but we are tasked with
9 conducting restoration under NRDA for NOAA who
10 acts on behalf of the Department of Commerce. So
11 that is within -- a lot of this, with the
12 exception to exactly your point, is fully within
13 what we're very experienced in doing.

14 Because this is partially new to us is
15 why we've incorporated not only the highly
16 migratory species division who has got extensive
17 experience in this realm but are also presenting
18 it to folks like yourself to solicit that input
19 through their guidance as well. So we are not
20 insinuating that we are suddenly experts in
21 addressing these types of resources. But we do
22 have through NOAA access to the experts and
23 invite your suggestions on who else we might be
24 talking to if we don't seem to have them at the
25 table already.

26 MR. BLANKINSHIP: I also want to just
27 follow up with one more thing. And that's, you
28 know, the -- I think the phrase was used what the
29 optics look like and there was a term used to cut
30 off the pelagic longline fishery in the Gulf of
31 Mexico. And I want to highlight again that the
32 presentation doesn't really present it in that
33 fashion. You know, if you look at the 60 vessel
34 year component of the project, the flexibility
35 that's built into it from -- based on
36 participation and the number of vessels that are
37 participating over a period of years to make up
38 the 60 vessel years, and the fact that it's a
39 voluntary program are key components here that
40 are intended to allow the pelagic longline
41 fishery to continue to operate in the Gulf of
42 Mexico, harvest fish, while still accomplishing
43 the goals of the restoration project.

44 In addition to that, the alternative
45 gear program, while greenstick and buoy gear in
46 this project are not intended to replace all of
47 the catch and the quality of the catch of the
48 pelagic longline fleet in the Gulf of Mexico, the

1 activity of those fishermen that are
2 participating by using those gears are intended
3 to help with some of the economic impacts that
4 could occur with those participants, with the
5 crews that might fish on those boats, with
6 supplying some fish to dealers in that area.
7 It's intended to help with a lot of that.

8 So keep those components in mind as we
9 continue to discuss this. Thanks.

10 MS. LEA: All right. So we've got ten
11 people in queue right now. And actually, I
12 think we're out of time so what I'm going to ask
13 is, if people you know kind of cover something
14 along the lines of what you were asking or if you
15 could possibly take it offline to please, you
16 know, flip your card down. And otherwise I'll
17 just go through the list and if you could, you
18 know, kind of keep it as short as possible that
19 would be very helpful.

20 Dave and then Mike and then Shana?

21 MEMBER KERSTETTER: Thank you.

22 As you know I've had some experience
23 doing some alternative gear projects in the Gulf
24 of Mexico. And I certainly look forward to
25 seeing a more detailed plan.

26 But I do have a couple comments, and
27 Bill did a great job with the optics so thank
28 you, Bill, for covering what I was going to start
29 with. But I've got a few questions that you
30 didn't address.

31 And I'll start out with the fact that,
32 granted this is in preliminary stages but you --
33 and I'm sure you're wonderful people at habitat
34 restoration, but who is your scientific team? Is
35 this going to be under the Southeast Center
36 guidance? Is this going to be outside
37 researchers? Is this going to be your own staff?

38 Just for brevity I was going to go
39 through the questions and then you could probably
40 answer them all at once.

41 Fundamentally I think the biggest
42 problem that I have is that underlying economics
43 of these alternative gears haven't changed. You
44 still have big boats, really fuel inefficient.
45 You have some very perky markets in the Gulf of
46 Mexico, to put it mildly. So you know, just
47 because you're paying vessels either not to fish
48 or to try these alternative gears doesn't change

1 the underlying fundamental economics that for
2 most of the vessels in this fleet in the Gulf of
3 Mexico, the economics of these alternative gears
4 just don't work. You haven't addressed anything
5 about vessel replacement, for example, that I
6 identified as one of my key findings in my
7 preliminary report.

8 I guess the final thing, just as a
9 scientist, you know, Randy made the point that we
10 don't know a lot about the habitat of a lot of
11 these bycatch species. And I would say that
12 rather than try to fit this bycatch reduction
13 habitat rubric under the guise of pelagic
14 longline fishery that we actually do some science
15 on these bycatch species instead.

16 Thank you. And I'm happy to help or
17 talk with you offline.

18 MR. LANDRY: Do we want us to address
19 any of those or do you want to move on?

20 MS. LEA: Do you want to go to the --

21 MR. LANDRY: Yeah, one in particular,
22 Dave, just I think it's important for everyone to
23 hear because it's a recurring theme, it sounds
24 like. Is that Jamie, I think maybe you could
25 address the team that's working on this so people
26 don't -- understand that we're pulling a lot more
27 people in the fore that are sitting --

28 MR. REINHARDT: Yeah, we've been
29 working with the Southeast Fishery Science
30 Center, a number of individuals from the science
31 center I can identify.

32 MEMBER KERSTETTER: Within the agency,
33 in other words?

34 MR. REINHARDT: Mostly within the
35 agency. And to this point that's been our
36 restriction of the Oil Pollution Act and the
37 methods of NRDA. So this is -- we're approaching
38 final plan, we're getting to the point where we
39 can begin to include others, and that is our
40 intention. Because of the process of natural
41 resource damage assessment and as part of
42 litigation, that litigation process and the
43 negotiation process, it's not something -- until
44 we get to the final draft early plan which still
45 leaves us a lot of room for finalization of the
46 project itself, can we go out and include that
47 other input, which we fully intend to do. You'll
48 hear from us, Dave.

1 MS. LEA: Mike?

2 MEMBER SISSEWINE: Yeah. A lot has
3 been said about the optics and I have to tell you
4 the optics that were flying on the wall would be
5 that essentially we don't have evidence of any
6 long-term impacts to the actual Pelagic habitat.
7 But we've got a lot of money available and we're
8 going to find a creative way to make something
9 useful of it. And bycatch reduction is an
10 important issue and it's useful to work on that
11 as a project.

12 Having been a science director for
13 much of my life I can fully appreciate that, I've
14 been involved in lots of efforts to find creative
15 ways to fund science to do useful things, even if
16 that wasn't exactly what the money was designed
17 to do. So I'm not critical of that, I think
18 that's great if you can actually be successful at
19 it. But I am concerned about scientific
20 credibility so it's -- my question is somewhat
21 along the lines of Dave's. And that is, we're
22 talking about a \$20 million project, it has to
23 have some independent peer review before -- as an
24 organization I would want, you know, the
25 Southeast Science Center, for example, want to
26 have my people involved in a \$20 million project
27 of this type that didn't have independent
28 scientific review. So I hope that will come at
29 some stage.

30 And I am concerned about that because
31 it's pretty hard for me to wrap my head around
32 what the performance measures are going to be.
33 What are you going to measure as success? You
34 can measure as success that maybe there's some
35 reduction in bycatch of some species but that's
36 not the objective here. The objective is to
37 restore the pelagic resources. And so that's
38 going to be a difficult challenge, to actually
39 put together measures of success on the project.

40 But in any case, independent peer
41 review is in my view essential for a \$20 million
42 project.

43 MR. REINHARDT: Yeah, thank you for
44 the suggestion for the peer review. The project
45 has gone under a quite substantial review by the
46 trustees. And as far as the results of our
47 monitoring program I think it would be very
48 valuable to have independent review. I would

1 suggest to go to the website that Mel put on, we
2 do have a -- as part of the appendix for the
3 restoration plan, the draft that's on the website
4 we have a monitoring plan that does identify
5 performance criteria. So that would be at least
6 a start. And again, this is a draft monitoring
7 plan so it -- we are still open to suggestions on
8 how we can improve it.

9 MS. LEA: Thank you.

10 Shana and then Michael and then Marty.

11 MEMBER S. MILLER: Yeah, I won't
12 repeat what others have said. But -- except one
13 thing I will repeat, what Mike said that, you
14 know, this is an opportunity. The papers, some
15 of which that you cited showed, you know, 10 to
16 50 percent of bluefin spawning habitat was
17 affected by the spill. There's money on the
18 table that can, you know, reduce the bycatch of
19 bluefin tuna. There's still just half -- that
20 population is half what it was 40 years ago. By
21 allowing -- you know, providing funding
22 voluntary, which like Randy said is key, is this
23 voluntary to choose to try to fish with these
24 alternative gears and hopefully, you know, expand
25 upon the benefits of the Amendment 7 closures
26 which, you know, the paper published last week
27 showed there's still significant spawning hot
28 spot outside of the spatial temporal extent of
29 those two new A-7 closures. So this -- you know,
30 this is a really good thing.

31 But to support what Dave said, the
32 boats in the Gulf are still not economically
33 efficient to use these gears. So we'd really
34 like to see, you know, another phase of
35 restoration looking at, you know, smaller more
36 fuel efficient boats to make this, you know, a
37 legitimate, potentially profitable fishery.
38 Thanks.

39 MS. LEA: Michael?

40 MEMBER KELLY: Thank you for the
41 presentation.

42 I was wondering if there are any
43 current bycatch statistics available for the
44 alternative gears?

45 MR. REINHARDT: Talk to Dave. I think
46 your report does identify bycatch. The most
47 recent greenstick report identified bycatch for
48 the swordfish buoy gear.

1 MEMBER KERSTETTER: I mean, I'll give
2 you a copy of the report. Bycatch was minimal
3 with greenstick gear, bycatch mortality was even
4 smaller. But relatively few observations,
5 particularly of Gulf fish but I can talk to more
6 about that offline. The report is available
7 publicly.

8 MR. BLANKINSHIP: And also there --
9 Dave mentioned his reports. We also have a study
10 that is wrapping up with Louisiana Department of
11 Wildlife and Fisheries and they'll have a report
12 out about their greenstick study hopefully early
13 next year or so. In addition to that there's
14 some work that the agency did with greenstick off
15 of North Carolina in past years and I can speak
16 with you about that.

17 In addition to that there is some
18 information in our HMS SAFE report that provides
19 logbook information particularly for buoy gear
20 over the years, and you can find that in the --
21 and I can show you where, on the HMS website. If
22 you look under documents and SAFE reports, I
23 think. Anyway, I can help you find it on the
24 website and it's available publicly out there as
25 well. We may have a copy in the foyer of the
26 SAFE report as well.

27 MS. LEA: Thank you. And then we have
28 Marty, Terri, Tim, Scott and finally Jason.

29 MEMBER SCANLON: Well, my first
30 question is, you know, you talk about you're
31 trying to reduce bycatch but you haven't even
32 identified what that bycatch you're trying to
33 reduce is and to what extent the Deepwater
34 Horizon had an effect on that bycatch. You know,
35 what was the damage? I mean, we don't see any of
36 those figures here at all. I mean, what's the --
37 without those figures what's your objective?
38 What are we -- what's the goal? That's my number
39 one question. You know, what damage was done and
40 where are we trying to get to?

41 The other thing is that basically, you
42 know, like Dr. Kerstetter said, is that
43 greenstick gear is economically impractical.
44 Fish are virtually worthless. And as far as buoy
45 gear, buoy gear will not work in the Gulf of
46 Mexico because of the logistics there, where --
47 you know, how far they have to travel to get to
48 the fish. It's not like along the coast of

1 Florida where the guy pops out the inlet and the
2 Gulf Stream is five miles off the beach. You're
3 traveling hundreds of miles to get to the fish so
4 that's what makes it completely impractical. You
5 know, aside from like they said the size of the
6 vessels.

7 The other thing is that A-7 basically
8 has done your dirty work for you because you've
9 eliminated most of the pelagic longline fleet
10 from the Gulf of Mexico now. So that in itself
11 is going to have a tremendous reduction in what
12 you're trying to accomplish. And if that's the
13 case then how come those vessels that are now
14 excluded from the Gulf of Mexico, how come
15 they're not in consideration, or should they be
16 in consideration for compensation under this
17 project? Because now we can no longer go back to
18 the Gulf of Mexico. I mean, it's limited --
19 we've limited the access to the Gulf of Mexico
20 already through A-7.

21 MR. REINHARDT: To address your first
22 question regarding the assessment of damages from
23 the oil spill, the assessment is still ongoing.
24 It's a complicated process as Mel had eluded to
25 previously. It has a large number of different
26 elements and there's substantial peer review, all
27 that takes time. So I guess I can ask that
28 everyone be patient for the damage assessment to
29 be completed. We did put a number of independent
30 peer reviewed papers that have at least -- you
31 know, suggest that there is substantial injury to
32 pelagic resources so I can refer you to those.

33 And then I'll --

34 (Indistinct chatter.)

35 MR. REINHARDT: Yeah, we certainly
36 used a number of resources to quantify the types
37 of benefits that would be achieved by this
38 project. And that was part of the -- trying to
39 preliminarily understand whether this would be a
40 valuable project or not. We used a number of
41 resources, most specifically, you know, observer
42 data but also independent reports on bycatch from
43 the pelagic longline fishery.

44 MEMBER SCANLON: Have you looked or
45 are you looking at the effects not only of the
46 Deepwater Horizon in the Gulf of Mexico but how
47 it affects the entire pelagic fleet outside the
48 Gulf of Mexico, since these are highly migratory

1 fish? Or are you just concentrating in the Gulf?
2 You know, that was part of my question back in
3 the spring, you know, is how it's affected the
4 overall industry not just in the Gulf of Mexico.

5 MR. REINHARDT: I can't speak to that
6 assessment. But I guess, you know, hopefully
7 that will be completed in the short-term.

8 MR. LANDRY: But just to make one
9 clarification. The intent of the natural
10 resource damage assessment is to assess the
11 damage directly to the natural resources, their
12 exposure, that pathway and ultimately the injury,
13 not to assess the damage to the fleet. That
14 would be done through a different process,
15 through civil litigation. The injury would have
16 largely occurred in the Gulf of Mexico but, as he
17 said, we can't speak to the assessment itself.
18 One, because that's an ongoing process that is
19 subject to the rules and confidentiality of NRDA
20 but also because we don't do it, we're on the
21 restoration side.

22 You had a number of other questions
23 here. We'll point out that as far as the impact
24 -- as far as the benefits calculated for the
25 bycatch species, that is something we extensively
26 evaluated and it is more clearly outlined in the
27 chapter included in the draft early restoration
28 plan on the website we provided. So that
29 information is available. If you wanted me to
30 send it to you directly we could certainly do
31 that as well, if you provided your email address
32 offline.

33 MS. LEA: Terri and then Tim.

34 MEMBER BEIDEMAN: Thanks for your
35 presentation.

36 Yeah, I have to concur with many of
37 the comments around, particularly Bill's and
38 Mike's and Dave's, to do with the rationale. It
39 does kind of look like, you know, there's a big
40 pot of money and how can we get our toe in the
41 door. And I'm not necessarily opposed to that
42 but maybe there is some better things we could
43 do.

44 Of the \$20 million that's in the
45 project budget, how much of that is budgeted to
46 pay these boats for this -- the 60 vessel years
47 or whatever it was you termed? Can you give me a
48 rough idea of how much of that money is actually

1 going to be in that pot? I know you don't know
2 how many, who and how long, but some idea?

3 MR. LANDRY: Very roughly and subject
4 to continued updates as we get through the
5 development of the plan with your input and
6 others, roughly about half of that goes to direct
7 compensation for participation.

8 MEMBER BEIDEMAN: Okay. Kind of what
9 I thought.

10 So any discussion in the process of
11 this, I guess, and as we all know that, you know,
12 these alternative gears are not as fruitful as
13 they seem to be, curious a couple of things. Who
14 came up with putting this idea in the pot, first
15 of all? I have some interest in finding out who
16 proposed this. But do you have any indication of
17 interest by vessels to participate in this for
18 some, question mark, unknown sum of money for six
19 months?

20 MR. LANDRY: So we've had positive
21 feedback from a sufficient number of vessels thus
22 far, depending on their term of participation, to
23 indicate that implementation is highly viable.
24 So we have had positive feedback from a number of
25 vessels.

26 As far as the suggestion for the
27 project, many of the components, if not all of
28 the components for this project were suggested
29 through the public portal that is also available
30 on the same website that we had up a second ago.
31 And if you pull down the restoration tab there's
32 a mapper and you can pull up information on that
33 project submission that was submitted. I don't
34 believe that would include who the submitter was
35 but it may.

36 MEMBER BEIDEMAN: But it may?

37 MR. LANDRY: It may.

38 MEMBER BEIDEMAN: I think a couple of
39 years ago I actually did -- when this first
40 started I took a look at some of those. It was
41 some bio suggestions that had been brought to the
42 table. I don't see that. Maybe that would be a
43 different spin on this has come out. That's my
44 curiosity about that.

45 As we know, in some areas bluefin
46 tuna, which seems to be the bycatch word we can't
47 say, are also caught very much with greenstick
48 gear in other areas. And we will have, if I'm

1 not mistaken, people that will be able to go
2 fishing in both the Amendment 7 closed area and
3 the DeSoto Canyon area, which has been closed now
4 for 15 years. There was some habitat restoration
5 for you, a reality there if we ever do anything
6 out there. That's all been protected now for 15
7 years, pretty big couple of degrees. In fact, I
8 think it would be interesting in your map there
9 where you show the EEZ, if you also outline the
10 areas that are actually closed already, either
11 partially or fully, because there's not a lot of
12 area to actually fish and stay out of Mexican
13 waters in the Gulf of Mexico, so that's an issue.

14 But so I just want to raise that fact,
15 that this may, in fact, not work for the purpose
16 intended. It may but it may not. So it remains
17 to be seen.

18 And then I guess my last parting
19 thought is, you know, when I hear -- read your
20 documents and saw the word "repose," I generally
21 think of that and funeral homes in the same
22 thought.

23 MR. LANDRY: And Jamie may be about to
24 say the same thing. I will say that our
25 calculation of the benefits is based on the data
26 that we had available, and the way we utilized
27 that data was to exclude those areas that were
28 previously closed and the A-7 closure areas when
29 we calculated our benefits. So we didn't say,
30 you know, they used to catch in this area so now
31 they won't catch in this area with this
32 alternative gear. And that's our benefit without
33 acknowledging that, oh, now this area's going to
34 have a timed area closure under A-7. So those
35 benefits were taken out of the benefits that were
36 provided to BP in exchange for this project.

37 MEMBER BEIDEMAN: Yeah, and we're also
38 really interested in learning more about the gear
39 and the bycatch profile of the gear. Recognizing
40 that preliminary work has already been done and
41 recognizing that those people that fish without
42 pelagic longline do have access to the closed
43 areas that you referred to. And we want to
44 understand what the bycatch is in those areas so
45 we have developed a substantial monitoring plan
46 to help us evaluate that and provide additional
47 information on that subject.

48 MEMBER BEIDEMAN: That's my last

1 question, is this activity going to be monitored
2 beyond the, you know, minimal reporting that's
3 required anyway to fish for HMS? Are they going
4 to have observers aboard the vessels to document
5 what's caught? Thanks.

6 MR. REINHARDT: Yeah, I think that's
7 one of the auxiliary benefits of the project is
8 that we do have to establish our own monitoring
9 and our own monitoring criteria as per the Oil
10 Pollution Act, and that will provide additional
11 information regarding the fishery.

12 MS. LEA: All right. So we have
13 gotten quite far behind, so again I'm going to
14 ask if there's anything you can take offline or
15 if it's already been covered. And if not, if you
16 could be as brief as possible. Tim is --

17 MEMBER PICKETT: I'll be quick because
18 most people have covered everything that I've
19 written down here.

20 One quick question is has there been
21 any thought of authorizing buoy gear for fishing
22 for tunas? And that's a quick one because it's
23 not an authorized gear type now to catch tunas.
24 And I was wondering if that was in discussion at
25 all. And just kind of wanted to touch on, I
26 don't quite understand which, at the end of this
27 period of time where it would be a voluntary, you
28 know, shutdown of the longline fishery, what
29 would be deemed a success? I don't quite
30 understand how we would measure, we don't know
31 where the status of the fishery is now, honestly,
32 and I don't understand how we'd measure it
33 afterwards to deem whether the closure was a
34 success or if we're moving in the right direction
35 or, you know, if there's any sort of system in
36 place to identify whether this would be a success
37 or not. So that's been touched upon by a couple
38 people, but that's all I have.

39 MR. REINHARDT: The first question
40 goes to HMS. One thing that's I guess somewhat
41 confusing is that the criteria that we used to
42 evaluate our successes is different than what is
43 typically done under MSA. So we have different --
44 -- we have our own established -- we established
45 our own performance and success criteria for our
46 restoration projects.

47 Again I guess I'll refer to the
48 monitoring plan that we have in -- as an appendix

1 to the draft restoration plan that we've recently
2 put forward because that lays out the performance
3 criteria probably a little bit more clearly than
4 I can remember. But essentially we are looking
5 at measuring reductions in bycatch and that would
6 -- we use that as our metric in evaluating our
7 performance.

8 MR. LANDRY: I'll just add that that
9 relates to the exchange for the funding of this
10 project for BP was to provide credit. So those
11 credits are very narrowly defined which means our
12 success is defined by our ability to achieve
13 those credits. So that credit, in the draft of
14 the restoration plan you would see it's defined
15 by biomass of fish to be gained. It's not a
16 restoration of the fishery, it's not a
17 restoration for all the injuries that may have
18 occurred as a result of the spill, we've still
19 got plenty of work left to do, and there will be
20 more opportunity for the public's input and the
21 way we approach the remainder of that work.

22 But take a look at the draft of the
23 plan and if you have questions about how we
24 define those benefits or if you have concerns
25 about those benefits we invite you to reach out
26 to us and let us know.

27 MR. BLANKINSHIP: And to answer the
28 question about buoy gear authorization for tunas,
29 this restoration project was developed and
30 efforts were made to try to work within the
31 existing regulations so that changes to those
32 regulations would not be required in order to
33 facilitate the restoration project. So buoy gear
34 would be used in this project under existing
35 regulations, current permitting requirements and
36 authorizations that are associated.

37 Separately the last time that buoy
38 gear was considered for authorization for tunas
39 was in draft Amendment 7, there were alternatives
40 to look at that and it was not finalized in the
41 final Amendment 7. But I hear that you may be
42 interested in that so we can talk about that
43 further.

44 MS. LEA: Scott, if you could be as
45 brief as possible, thank you.

46 MEMBER TAYLOR: So mine will go along
47 more to a comment than to a question for you all
48 to keep in mind.

1 I don't consider myself a terribly
2 cynical person although the last three or four
3 years in this process has made me that way
4 towards a lot of the things that I hear in here.
5 And I think it's important for you all to
6 understand and how you would choose to
7 administrate this program, but sometimes it's
8 easy to lose focus of the big picture rather than
9 being so narrowly focused on what you do.
10 Because the effective result is, the sacrifice
11 that continues to be asked of the longline fleet
12 in here has not benefited the U.S. fishery
13 directly and the longline fleet. At least it's
14 very difficult for us to see it in any meaningful
15 tangible way. That we're dying a death of a
16 thousand small cuts here.

17 And that when we're dealing with HMS
18 species, Rusty has pointed this out for the shark
19 species, these are straddling stocks. And the
20 problem is that the U.S. fishermen continue to be
21 asked to make sacrifice and that our foreign
22 neighbors and countries continue to reap the
23 benefit of what it is that we're doing by having
24 unbridled access to our marketplace without any
25 access.

26 A great example of that, even though
27 it's not a species that this agency directly
28 administrated was Mahi which is a species that
29 proliferates the Gulf and could be affected here.
30 As you know or all you should know that domestic
31 dolphin was closed for the first time ever this
32 year and in a great part the result of the
33 Amendment 7 and the targeting of mahi to avoid
34 bluefin interaction. The mahi simply swim past
35 us now, they're going and being harvested in
36 foreign countries and are being sold back to the
37 U.S. at \$6.00 a pound, a price the U.S. fisherman
38 has never, ever seen in the history of what it is
39 that we're doing.

40 The Canadians have unquestionably
41 hugely benefited by our swordfish conservation to
42 the point that the U.S. fleet is no longer now
43 basically targeting swords. If you talk to the
44 commercial guys around this room you're going to
45 find out that they're impact -- I mean, that
46 they're targeting other species simply because we
47 cannot financially compete.

48 So to do -- have a project that is

1 focused on one thing without having a way to
2 measure the results by having, you know, a
3 overall bigger picture of what the plan is
4 misguided. And my concern is that this is a wolf
5 in sheep's clothing. We've been talking about,
6 you know, a mitigation of bycatch species in the
7 Gulf for a long time. Bluefins got mentioned at
8 the beginning of your discussion. We're dealing
9 with a resurgence of bluefins, at least ICCAT
10 seems to think there's a resurgence of bluefins,
11 that there's a quota that's being given out.

12 So there is a big picture here that is
13 what is at play. And I ask that when we do these
14 individual projects and we ask for the sacrifice
15 primarily of the pelagic longline fleet, I'm not
16 -- we're not talking about recreational
17 moratorium of tournaments or yellowfin activity,
18 we're talking about the longline fleet again
19 there in the Gulf.

20 Marty had a very good point that
21 Amendment 7 itself limited the participation in
22 the Gulf, that there -- I know a lot of boats
23 that -- you know, that may have routinely chose
24 to be able to go into the Gulf, may not have
25 recently and therefore didn't meet the qualifying
26 period under the criteria for Amendment 7. And
27 quite a few of those Gulf boats have retired, and
28 I know that for a fact because I stay on top of
29 the permits and the quota that's being made
30 available out of there. So we have had some
31 cessation of effort there, you know, in the Gulf
32 that probably the agency would have that a little
33 bit better.

34 So I caution you all that to try to
35 keep in mind that while I think that Bill was,
36 you know, dead on target that we applaud you and
37 what the role of the organization is for
38 restoration, when you're dealing with these
39 pelagic species and water quality and the Gulf of
40 Mexico in particular and the way that that loop
41 current and everything runs, that ultimately the
42 results are going to be very difficult to
43 quantify and may not necessarily benefit the very
44 people that you're asking to sacrifice.

45 MS. LEA: Thank you, Scott. Jason?

46 MEMBER ADRIANCE: Yes. A quick
47 question, you mention all your metrics being
48 related to bycatch. But given the vagaries of

1 stock recruitment relationships and larval
2 survival and such, are there any calculations
3 that go out further than that? For this 20
4 million what's your net gain of fish eventually?
5 Has that been covered?

6 MR. REINHARDT: The calculation that
7 you're referring to has not been done.

8 MR. LANDRY: But I'll add that that --
9 the flip side of that is that means those credits
10 weren't provided in exchange for the funding of
11 this project. So any injury is only offset by
12 the calculations that were done for this project
13 and negotiated for this project, what essentially
14 amounts to the biomass of fish that are left in
15 the water as a result of the implementation of
16 this project without any subsequent generations
17 calculated.

18 MS. LEA: All right, thank you.

19 All right. Obviously a lot more
20 discussion around that than was anticipated. So
21 we're going to move on to the law enforcement
22 update and we're going to have to abbreviate the
23 break a little bit. We're pretty firm on the
24 12:30 for lunch but the bluefin discussion also
25 has some time allocated later in the day.

26 So with that in mind, if we could have
27 Ms. Katie Moore and Colby Schlat up here to do
28 the law enforcement update that would be very
29 helpful. Thank you for the update on the
30 Deepwater Horizon project.

31 MS. SCHULZE-HAUGEN: So we also have
32 Office of Law Enforcement updates and I wanted to
33 take this moment to introduce Jim Landon who is
34 our new office director for Office of Law
35 Enforcement. He had been with the Office of
36 General Counsel prior to that, and so I wanted to
37 give you and Jim a minute to say hello.

38 MR. LANDON: Good morning, everyone.
39 As Margo mentioned, I am Jim Landon, the new
40 director of the Office of Law Enforcement. I
41 appreciate the opportunity to address you all.
42 Some of you may recognize the face, I was, as
43 Margo mentioned, the chief of the enforcement
44 section of the General Counsel's Office for the
45 last three years where in that capacity I served
46 as overseeing the prosecution of all civil
47 violations of the offenses of which NOAA has
48 jurisdiction over. So this is my third week on

1 the job as director of OLE and as I said, I
2 appreciate the opportunity to introduce myself to
3 the panel and look forward to working closely on
4 HMS issues as we progress.

5 What I wanted to do is kind of give
6 just a really quick introduction and introduce I
7 think a topic that was introduced at the last
8 panel meeting, and that is our Office of Law
9 Enforcement priorities. We have engaged in a
10 actually multi-year effort to make sure that we
11 are utilizing our resources as efficiently and
12 effectively as possible.

13 It should come as no surprise that we
14 have limited resources but quite literally cover
15 the waterfront. So one of our tasks and our
16 goals here is to make sure that we're managing
17 and utilizing those resources as effectively as
18 possible. This priorities document was one of
19 the vehicles for us to do an assessment of where
20 we see -- where we need to like focus those
21 limited resources.

22 And so the priorities document came
23 out in February of 2015, it was actually probably
24 -- like I said, introduced and should be coming
25 out. That is now out, I wanted to make sure
26 everyone was aware that the priorities document
27 has been published. It is on the OLE website.
28 If you point your web browser and search OLE
29 priorities this document will come up. You will
30 be able to see essentially the way that we have
31 parsed things out. We have national priorities
32 and they go into basically directly supporting
33 overarching bins from NOAA, and I'll talk about
34 those in the next two slides, as well as identify
35 for each of the OLE divisions kind of where the
36 next level of focus of how we actually see these
37 being done on the ground.

38 So the priorities document is our
39 first step. The next step is actually an
40 implementation plan of taking these priorities
41 and actually translating into them of what we're
42 actually going to be doing on the ground, on the
43 water, with our patrols, with our reportings,
44 with our dockside inspections, kind of all the
45 permutations of our activities. So that will be
46 kind of our next internal planning document, is
47 actually how we take this kind of strategic
48 priority setting process and translate that into

1 an implementation plan for our officers, agents
2 and support personnel to support our mission.

3 So just real briefly, like I said I
4 don't want to take up everyone's time, but I want
5 to kind of highlight two slides. One of those --
6 these are kind of our cascading objectives as we
7 come down. The first is in our sustainable
8 fisheries which will be of most interest to the
9 panel. And you can kind of see, we've taken
10 essentially that long list of priorities, tried
11 to quantify them and you'll see a convention of
12 high, medium and low priority setting process.
13 And I just wanted to kind of caveat that that by
14 no means indicates that if something is a low
15 priority, that's not something that we're going
16 to pay attention to. I just repeat my
17 introductory kind of remarks that in a -- in any
18 priority setting process not everything can be a
19 high priority. So this is a way for us to try to
20 focus our efforts where we see, and the input
21 that's received from stakeholders, the best way
22 to focus our resources.

23 So on the sustainable fisheries
24 priority front, or basket if you will, you can
25 kind of see the highlighted -- well, the top
26 three things that we are -- for each of our
27 divisions. And HMS issues are represented
28 throughout there, some specifically and others
29 indirectly. But this will give you kind of a
30 sense of how we've translated that big objective
31 of supporting our sustainable fisheries mission
32 and how that we start to parse that through with
33 the enforcement component of our actions.

34 And we are the enforcement prong or
35 leg of a stool is an integral as the other two.
36 We have the science, that is informing the
37 decisions, identifying those issues, identifying
38 the problems, what needs to be solved. We see
39 the regulatory aspect of it, of kind of the
40 solution or at least a proposed solution of how
41 we're going to address through a regulatory
42 action to address that issue that the science is
43 identifying. And then kind of the third piece of
44 that, obviously we would love to have complete
45 compliance of that reg and somehow then provide
46 that positive feedback loop into the science that
47 said, we've addressed the problem. But as
48 everyone knows, compliance only goes too far and

1 then enforcement kind of fills that gap of making
2 sure that the reg that's designed to support the
3 sciences is doing its job.

4 The next slide is the other main
5 basket, and that's our -- basically our
6 protection of species at risk. And this is more
7 under MMPA, ESA and Sanctuaries Acts, so it's not
8 directly applicable to the work of the panel but
9 just to give you a sense of that's kind of our
10 two main baskets that we put our priorities into.

11 This priority setting process in
12 response to Presidential initiatives. We also
13 have priority setting that links to IUU fishing
14 as well as wildlife trafficking. But for the
15 purpose of this discussion, I didn't put those
16 up, but those are kind of our four main themes in
17 our priority setting basket or priority setting
18 process.

19 So I'm going to turn it back over to
20 John and kind of finish the rest of our OLE
21 update. But again, I wanted to thank you for the
22 opportunity to introduce myself and hopefully put
23 a face to the name going forward. Thanks.

24 MR. REGHI: Thank you, Director.

25 Good morning, ladies and gentlemen, my
26 name is John Reghi, I'm a special agent at NOAA
27 headquarters, and I'm your SF and HMS program
28 special agent.

29 I'd like to start by focusing on the
30 enforcement highlights from the Northeast
31 Enforcement Division. We had a matter, we're
32 already responding to a complaint, the vessel
33 landed a shark during the annual Hudson Anglers
34 Tournament, that was in Freeport, New York,
35 without an HMS permit. That matter is ongoing
36 and is still under investigation.

37 General counsel enforcement section
38 advised a respondent in a case where a great
39 white shark was taken and landed at the Star
40 Island Shark Tournament in Montauk, New York,
41 that was in 2010. They agreed to pay the \$5985
42 fine to settle the case. Respondent was charged
43 with taking HMS without a valid permit and for
44 landing a prohibited shark species.

45 Also in the Northeast Enforcement
46 Division, our joint enforcement agreement
47 partners are very, very integral to the execution
48 of our mission and OLE routinely works with them.

1 We had OLE enforcement officers and state JA
2 partners, they teamed up to conduct patrols in
3 the southern area of Chesapeake Bay at Rudee
4 Inlet and in Lynnhaven Inlet. Recreational
5 fishing vessels and charter boats were inspected
6 for compliance with HMS regulations and outreach
7 was conducted regarding bluefin tuna and billfish
8 safe handling and release recommendations.
9 During that one enforcement operation upwards of
10 17 vessels were contacted.

11 We also have OLE partnered with the
12 Massachusetts Environmental Police and the
13 Massachusetts State Police Commercial Vehicle
14 Enforcement Unit. They were conducting
15 inspections on commercial trucks in the
16 Gloucester area that was serving the seafood
17 industry. They also issued 17 violations and
18 placed two trucks out of service while the
19 Environmental Police issued summons for an
20 undersize Atlantic halibut and two more for
21 seafood license display violations.

22 We also had a NOAA EO, enforcement
23 officer, issue a \$500 summary settlement offer.
24 That was to the owner and operator of a fishing
25 vessel that failed to report a recreationally
26 caught Atlantic bluefin tuna.

27 Shifting to the Southeast Enforcement
28 Division, we had a special agent in Galveston,
29 Texas, he responded to a complaint regarding a
30 Facebook post, and that was of an individual
31 holding a yellowfin tuna that was believed to
32 have been caught in the EEZ. Allegation was that
33 the tuna had been caught on either an oil rig or
34 supply vessel without an HMS permit. Agent
35 conducted a brief investigation, learned that the
36 photo was taken and posted sometime in 2013 and
37 the employee was no longer employed with the oil
38 company. OLE also contacted legal counsel for
39 the oil company and warned the company regarding
40 HMS fishing regulations which included proper
41 permitting as required.

42 Also in Southeast we had OLE conduct
43 an inspection of a commercial fishing vessel.
44 This happened the past month. It was targeting
45 large coastal sharks. The vessel offloaded 46
46 large coastal sharks, one over the limit, and a
47 warning was issued.

48 We also had a NOAA enforcement officer

1 from Charleston, South Carolina. They conducted
2 roadside seafood vendor inspection. During the
3 inspection five sharks were identified as
4 Atlantic sharpnose sharks which were closed for
5 commercial harvest in the area. And the
6 enforcement officer who was working with a South
7 Carolina Department of Natural Resources officer
8 transferred the case over to the state. The
9 Respondent indicated that he had -- was, in fact,
10 he had harvested the sharks in state waters. The
11 Carolina DNR officer explained that South
12 Carolina does adopt federal shark regulations and
13 applies them in the state waters as well and
14 issued a \$450 state ticket for commercially
15 harvesting closed season sharks.

16 Also in Charleston we had a ELO report
17 to a shark tournament that was held at a local
18 marina and discovered that the tournament had not
19 been registered with NMFS but it had been
20 properly registered with the state so education
21 and outreach were conducted and all permits were
22 in proper order.

23 Also in Charleston we had a
24 enforcement officer complete an investigation
25 into the landing of a blue marlin by a rec
26 vessel. It did not have an HMS permit and failed
27 to report the fish. We had a \$500 summary
28 settlement was issued to the owner and operator
29 for failing to report fish and a verbal warning
30 was given for the landing of a billfish without
31 the HMS permit.

32 We had EO's conduct a patrol on Edisto
33 Island, South Carolina during the recreational
34 shark tournament where two South Carolina DNR
35 officers patrolled on the water checking anglers
36 at sea. A number of vessels were checked at the
37 dock and at the ramps. A lot of outreach was
38 conducted and compliance was high. HMS permits
39 were obtained the night before and our state
40 partners attended the captain's meeting to
41 explain the federal regulations and the
42 requirements.

43 We also had a NOAA enforcement officer
44 conduct a dockside boarding of a recreational
45 angler during patrols at Murrell's Inlet, South
46 Carolina. Angler displayed a photo that he had
47 recently caught and released a blue marlin over
48 60 miles offshore that same day. Subject did not

1 have an HMS permit and did not realize he was
2 required to have one. Officer explained the HMS
3 regulations, showed the subject how to obtain a
4 permit and issued a verbal warning.

5 OLE special agent from St. Petersburg,
6 Florida, they continue their investigation into
7 the operator of a vessel that was reported by FWC
8 state officers and was found to be using
9 prohibited bait with shark and had an excess of
10 longline gangions and illegal gear. The operator
11 admitted to the violation and investigation is
12 ongoing.

13 We had a \$750 summary settlement
14 offer, it was accepted and paid by recreational
15 fishermen from Tampa, Florida. That was for
16 possessing undersized HMS, specifically a
17 sailfish. The case was resolved, a wildlife
18 alert or a hotline tip received by FWCC who
19 responded offshore at Port Canaveral, Florida.

20 Also in Southeast, General Counsel of
21 Enforcement Section advised of the \$5000 NOVA for
22 failing to maintain tuna, dolphin and wahoo
23 intact was paid by the Respondent. Subjects
24 possessed filleted fish consisting of 82.5 pounds
25 of yellowfin, 20.5 pounds of dolphin and 3.5
26 pounds of wahoo in the Atlantic U.S. EEZ in
27 violation of the Magnuson Act.

28 And we also had joint border
29 inspections conducted with Fish and Wildlife
30 Service, FDA and CBP at the Veterans Point of
31 Entry and commercial dock in Brownsville, Texas.
32 That was a three-day operation that was designed
33 to address the serial milestone of conducting
34 eight IUU order operations. During the three-day
35 operation the team was able to identify and
36 search eight commercial loads of seafood coming
37 from Mexico to the United States valued at nearly
38 \$1.2 million. Some of the species inspected
39 included five semi-truck loads of blue and
40 yellowfin tuna valued at over \$500,000.

41 And that concludes my report.

42 Also last time I had met with you I
43 touched on the HMS electronic reporting, that
44 headquarters is moving forward with. Those cases
45 are still being prosecuted, they're being --
46 summary settlements are still being issued.
47 Since the last reporting requirement time we've
48 had \$13,000 in fines recovered, you know, in the

1 penalty amount individually of \$1000 each and
2 approximately eight cases are pending referral at
3 the not-too-distant future to the Office of
4 General Counsel.

5 And that concludes my report.

6 MS. LEA: Thank you very much.

7 All right. So why don't we move on
8 then to the Coast Guard's report. Rusty, did you
9 have a question?

10 MEMBER HUDSON: Just one request.
11 With regards to the presentation, the hyperlink
12 is not active on the website. If we could have a
13 copy, that would be great. Thank you.

14 MS. LEA: Thanks, Rusty.

15 MS. MOORE: Good morning. Katie
16 Moore, U.S. Coast Guard, Atlantic area office.
17 What we deal with is the Gulf of Mexico,
18 Caribbean, Atlantic and we also do the Great
19 Lakes and we do the high seas.

20 I am the civilian for continuity
21 purposes, I would like to introduce you to
22 Lieutenant Colby Schlat. He just reported in.
23 He's slated for a four-year term and we're happy
24 to have him. He is replacing Lieutenant
25 Commander Elizabeth Buendia who most recently
26 switched to sector North Carolina for planning,
27 as head of their planning shop. So the goal here
28 is just to give you an overview of what Coast
29 Guard has done this fiscal year to date. And to
30 begin with we usually tell you how much effort
31 has been expended.

32 This is about 40,000 hours dedicated
33 to the fishery's mission and this isn't our
34 entire geographic area I just talked about. This
35 is a reduction of about 20 percent compared to
36 last year. It's due partially to budget and it's
37 also due to Department of Homeland Security
38 priority changes. We've had a focus on trans-
39 national criminal organizations on the southwest
40 border and that's at department level so you'll
41 see other agencies within Department of Homeland
42 Security coordinated with us on that mission.

43 Coast Guard does have 11 missions and
44 I just want to say when we do deploy we log one
45 mission. So we do get secondary benefits while
46 we're underway for other missions. Though we've
47 had our resource hours reduced for the fishery's
48 mission, we have had a ten percent increase in

1 HMS boardings. So this is ten percent larger
2 than last year. The growth was in the northeast
3 and that was in our District 1 which is New
4 Jersey and north, and that was in the commercial
5 boardings.

6 We do try to address all different
7 components of the HMS fisheries and not just
8 target one. So I want to make note of that. We
9 have had some questions in the past as to whether
10 or not we look at tournaments and, yes, we do.
11 This is a summary of the cases that we have
12 documented this year. The first one was in the
13 southeast, District 7 is South Carolina, the
14 Caribbean and primarily Florida. We did have one
15 issue which dealt with permits.

16 The other cases came from our mid-
17 Atlantic office, District 5, and those were a
18 combination of failure to have permits as well as
19 filleting at sea and one undersized shark.

20 There was an instance that was relayed
21 to us by the HMS office of a situation in the
22 southeast where there was a foreign vessel,
23 Panamanian flag that had interactions with
24 pelagic longline gear. We did look at this
25 instance, we did not have an asset that was
26 available to respond and on this situation it
27 involved three different levels of the
28 organization, three different legal offices, and
29 it was due -- it was outside our authority and
30 jurisdiction.

31 If the situation does arise again, the
32 guidance we've gotten from our legal office is
33 that people can pursue civil action. You can
34 alert us and we can revisit it to see if there's
35 a different posture that we can take. But on
36 this situation we did appreciate getting the
37 information, we took it under advisement very
38 thoroughly with several different legal offices
39 and I pushed it pretty hard. But I wanted to get
40 back to those people that were concerned about
41 it.

42 Foreign fishing vessel interactions
43 with the HMS species is primarily in the Gulf of
44 Mexico. We do keep our eyes out in the
45 northeast, along the mid-Atlantic, southeast, but
46 pretty much it's the Mexicans coming in in
47 launches. One hundred eighty-four have happened
48 this fiscal year through July. That's higher

1 than the last ten fiscal years looking at the
2 complete years. We don't believe the threat is
3 increasing, we actually believe we're just having
4 better eyes on the water to see what actually is
5 occurring.

6 We've had 184 detections, that means
7 we've either seen the fishing vessel or the gear
8 without the fishing vessel. We've had 126
9 interceptions meaning a Coast Guard asset was
10 there on-scene. And we've had 28 interdictions
11 meaning we have stopped the fishing vessel with
12 the gear and we've had the people onboard. What
13 we do is we seize the gear, we take the catch and
14 we work with CBP to repatriate those Mexicans
15 back to Mexico.

16 Over the years we've been telling you
17 what types of catch, what type of gear has been
18 involved and this is just focusing on the HMS
19 catch, not the red snapper. So we try as much as
20 possible to quantify the length of the gear, type
21 of gear, species, and we did have a request if we
22 could determine the gender of the sharks. We
23 have tried to do that; for safety reasons we
24 can't do it all the time, especially if the fish
25 are alive. And we don't want to injure our
26 boarding officers. But this is approximately 260
27 sharks that we've had year-to-date, primarily
28 live. We do our best to release those alive and
29 it is primarily longline gear.

30 So people usually wonder, what are you
31 doing, the threat still exists? I talked to you
32 previously about a Coast Guard working group so
33 it is internally within the Coast Guard to look
34 at what we could do better to either dedicate our
35 at-sea or air assets to looking for the threat
36 and combating it, looking to see if we could
37 readdress our pursuit tactics, and then to see if
38 we're optimizing our intel exchange. That
39 working group continues and I believe it has been
40 successful. We haven't maximized everything we
41 could do, that's why it's still ongoing.

42 It was brought up earlier about the
43 IUU task force, we are actively engaged on
44 several work groups and we continue to work with
45 our regional, international and federal partners.
46 One success I want to highlight is with CBP,
47 Customs and Board Patrol. We actually have an
48 MOA with them and meet on a weekly basis so that

1 they can help detect the launches and vector us
2 in. So even though we have had a reduction in
3 resource hours we have had a force multiplier by
4 working with the other agencies.

5 Another is in particular to that
6 incident that happened with the Panamanian
7 vessel, we continue to work with NOAA and the
8 Department of State to share information and
9 ensure that we have the right points of contacts
10 so we can address situations like that, either
11 through education, outreach or enforcement. And
12 I want to remind everyone, we do have a Coast
13 Guard Liaison Officer that spends half his time
14 at Department of State and half his time at OLE.
15 And that is to continue to foster those
16 communications.

17 And then finally I would love to have
18 more resource hours for fish but we have to do
19 the best that we can with what we have so we do
20 work with the scientific and academia to see how
21 we can better do patrols. So we've been working
22 with the University of Southern California to
23 model how we best use our at-sea patrols to
24 interdict foreign fishing vessels. So that's
25 just a sample of some of the activities that
26 we've had for HMS.

27 Please feel free to contact Lieutenant
28 Schlat. He will be your POC for future meetings.
29 He'll also be working on the enforcement working
30 group. I work with him, this is my contact
31 information, and if you have any questions please
32 feel free to contact us. We're undergoing a move
33 right now so that's why I didn't include our
34 phone numbers. But if you ever have any
35 immediate needs we do have a 24-7 command center
36 that will find us during the day or can take your
37 information at night. And if it's -- requires
38 immediate enforcement needs, that's the best
39 phone number to call.

40 So if you have any questions for
41 either OLE or Coast Guard, please let us know.

42 MS. LEA: Thank you very much, Ms.
43 Moore. Rusty?

44 MEMBER HUDSON: Yeah, thank you.
45 Rusty Hudson.

46 Thank you for the presentation. A
47 couple items that I'd like to ask.

48 You -- on slide five, I guess it would

1 be, talk about the detections, the interceptions
2 and the interdictions for District 8. It says
3 FY15 through July. Does that also include those
4 '14 interdictions that you had listed on the
5 following slides? As the first question.

6 As a follow-up to that, I broke out
7 the various shark species. You have out of the
8 four slides 81 unknown species of shark. I
9 concur with the idea of being able to identify
10 sex, you can identify --

11 (Brief microphone silence.)

12 MEMBER HUDSON: -- so identifying sex
13 and species is extremely important. Every
14 hammerhead except for the bonnethead that you
15 have, there's 12 hammerheads that there's only
16 three of concern, particularly with the scalloped
17 hammerhead, which is most common, rounded fin,
18 smooth rounded fin but not very common, and the
19 great hammerhead with giant spike dorsal. Pretty
20 easy to tell. So I would recommend identifying
21 the hammerheads.

22 You had sand, I assume that's sandbar
23 shark, because sandbar is exactly the common
24 name. Sand shark, no such thing. Basically
25 trying to get an idea.

26 So the interdictions 28, you got 260
27 sharks total interdicted on, a lot of live
28 releases. Those probably were problematic on
29 trying to ID specie and/or sex. But again if you
30 had somebody onboard the vessel that had been at
31 least going through the shark identification
32 workshops that occur four times a year or -- I'm
33 sorry, several times a quarter that Eric Sanders
34 provides through NOAA, I would recommend doing
35 that because for several years I've been asking
36 for that.

37 Last thought. With regards to how you
38 did your presentations with your domestic 2013,
39 '14, '15, I'd like to also see comparisons for
40 '13, '14 and '15 with the foreign. This has been
41 going on for a while and when we were at the SOC
42 assessment years ago when this first came up we
43 were told, because of Homeland Security there was
44 a confidentiality scenario so we were kind of
45 closed out of information at the stock assessment
46 level. But I still believe that some of this
47 could be useful when we are at the stock
48 assessment to understand that western Gulf. So

1 thank you.

2 MS. MOORE: Thanks Rusty.

3 Yes. We look at fiscal year so that's
4 why it involves the 2014, October through
5 December. And I appreciate the feedback on the
6 species ID. We do circulate that information to
7 our boarding officers and we really appreciate
8 the ID guides.

9 And also your comment about having the
10 '13, '14, '15 or at least a look at the most
11 recent years for foreign fishing vessels, that's
12 something we do have and we'd be open to doing
13 that.

14 MS. LEA: Thanks, Rusty. Andre and
15 then Rick.

16 MEMBER BOUSTANY: Yeah. Also
17 regarding the interdictions and detections and
18 interceptions, are those solely vessels that
19 you're counting or is that also gear when the
20 vessel was not interdicted?

21 MS. MOORE: Detections can be a
22 combination of gear only and a vessel with gear.
23 So you will not have gear only as an interception
24 or interdiction.

25 MEMBER BOUSTANY: Okay. Also I think
26 this has come up before but I don't remember what
27 the disposition of the boats after you got them,
28 I think you returned those, is that right?

29 MS. MOORE: We do work with Mexico, we
30 inform them of all these interdictions and that
31 we do have the fishing vessels and we do have the
32 gear. We give them the opportunity to come back
33 and claim them. If not, it's disposed of. So
34 down at South Padre Island we do have disposal,
35 we have dumpsters and we've actually put some
36 money down there to make sure that the vessels
37 are not workable in the future.

38 MS. LEA: Thank you. Rick?

39 MEMBER BELLAVANCE: Thank you.

40 With some of the new faces up there I
41 thought it would be a good opportunity for me to
42 just reintroduce my plea for help on behalf of
43 the charter boat industry with dealing with an
44 issue that's starting to become pretty popular --
45 or not popular but pretty -- an increase, anyway.
46 And that's unlicensed charter fishermen taking
47 people out on charters that they advertise
48 through the internet and so on, private vessel

1 owners that take that advantage to have people
2 pay them for their day on the water. And it's --
3 they're not licensed, they're not following all
4 the safety regulations. And we'd like to
5 continue to work with you folks to develop some
6 sort of a way to define our industry participants
7 in a way that you can recognize them easy enough
8 and make it a little easier for you to determine
9 who is and who isn't a charter boat operator.

10 MS. LEA: All right. Thank you, Rick.

11 All right. So thank you so much for
12 your presentation.

13 Yeah, yeah, absolutely.

14 MS. MOORE: Sorry, I forgot to add,
15 there was a concern question about billfish takes
16 in the Gulf of Mexico by the Mexicans. We have
17 not detected that. So our eyes are open, we are
18 looking for it but we have not detected that in
19 any of the launch or gear.

20 MS. LEA: All right. So we'll go
21 ahead and take a break. I'm going to ask that we
22 try to keep it a bit abbreviated, maybe five or
23 ten minutes. When I start seeing most people
24 back we'll try to get started again so that we
25 have as much time as possible now during the
26 morning for the bluefin. But remember that we
27 will also have time allocated later on for the
28 bluefin discussions as well. So I'll see you in
29 a few minutes.

30 LT. SCHLAT: One final item of note,
31 there are some dockside safety exam information
32 out on the front desk or I have some with me if
33 you just come see me for it.

34 (A short break was taken.)

35 MS. LEA: So we're going to go ahead
36 and get started so if you'd please come in and
37 make your way back to your seat that would be
38 really helpful, because we are firm, we have to
39 break at 12:30. But we will have more time for
40 the bluefin discussion later on. And what we're
41 going to do actually is, as the queue kind of
42 piles up at the end of the presentation now, I'm
43 going to go ahead and just keep a list of the
44 queue and then we'll just continue on with the
45 queue where it left off here later on. So if we
46 don't get to you now know that you're in the
47 queue and you'll, you know, get to talk, ask
48 questions, make comments, you know, in the order

1 that you're showing up here, even if we don't get
2 to you during this segment. You will have time
3 later.

4 MS. SCHULZE-HAUGEN: So just a couple
5 of quick announcements. Suzanne mentioned the
6 cookies so please help yourself and thank you to
7 Pat for cooking them. I also wanted to ask the
8 folks on the webinar to please mute yourself, we
9 could hear some paper shuffling and somebody must
10 have seasonal allergies because we heard some
11 sneezing as well. So if you could please mute
12 yourself that will help us.

13 And then finally, I wanted to share
14 some sad news that I neglected to mention
15 earlier. I -- just with Othel Freeman who many
16 of you have known for a long time as our kind of
17 main AP travel person unfortunately passed this
18 spring right after the last AP meeting. And so
19 we're -- we miss her greatly. The meetings
20 aren't really the same without her and I know a
21 lot of you had also noticed the change in
22 personnel that were working on the travel. And
23 so just wanted to take a moment and let you know
24 the reason for that. And certainly I think we
25 have appreciated your concerns and questions
26 since then. So just wanted to share that
27 unfortunate news with you all.

28 So with that...

29 MR. WARREN: Thank you. My name is
30 Tom Warren with HMS in Gloucester. I'm going to
31 be providing a brief update of bluefin tuna
32 management during 2015. We do have hardcopies of
33 this presentation available if you're interested.

34 2015 in general was a year of many
35 changes in the bluefin tuna fishery as a result
36 of several factors, most notably the
37 implementation of Amendment 7 which became
38 effective on January 1 for most measures with
39 some measures being delayed until June. And then
40 a few measures being delayed until January 1,
41 2016. There's been also a number of inseason
42 actions as well as an ICCAT quota increase.

43 How's my volume? Okay? Thank you.

44 To refresh your memory on some of the
45 major elements of Amendment 7, Amendment 7
46 involved several measures affecting allocation
47 which affected all quota categories, specifically
48 annual allocation of quota from the Purse Seine

1 category. This measure is a measure affecting
2 both the Purse Seine category and all the other
3 categories by virtue of the fact that quota may
4 be reallocated from the Purse Seine category to
5 the Reserve and then subsequently potentially to
6 the remainder of the fishery based on the purse
7 seine catch in a particular year.

8 There's the codified reallocation of
9 68 metric tons to the Longline category as well
10 as modification of the Reserve category which
11 essentially is the location for which this
12 reallocated quota initially goes. There were
13 reporting requirements for the commercial
14 categories (General category, Harpoon, and
15 Charter/Headboat, and this is an online reporting
16 system that is also a new requirement.

17 As you're aware, there were
18 substantial changes to the regulations affecting
19 pelagic longline fishery including gear
20 restricted areas, both for the Cape Hatteras area
21 and the Gulf of Mexico. Individual bluefin tuna
22 quota program implementation, electronic
23 monitoring as well as VMS system reporting.
24 Again, a suite of new measures both affecting the
25 operation of the fishery and requiring
26 substantial administrative burdens.

27 There were adjustments to the General,
28 Harpoon, and Angling category bluefin tuna rules,
29 how that quota may be handled inseason by the
30 agency as well as a modification to the purse
31 seine fishery start date.

32 To touch again on the bluefin tuna
33 quotas for this year the base quota percentages
34 by category were applied to the existing ICCAT
35 quota and then reduced proportionately under the
36 new A-7 rule to provide 68 metric tons for the
37 Longline category. And again, this is a standard
38 set amount of quota that is not a percentage so
39 it doesn't change in response to the size of the
40 overall quota. There is the annual reallocation
41 from the Purse Seine category to the reserve
42 category which did occur this year. It was 87.4
43 metric tons, and this reallocation to the reserve
44 category was based on the level of purse seine
45 catch in 2014.

46 There was an inseason transfer from
47 the reserve to the Longline category of 34 metric
48 tons and an inseason transfer from the reserve to

1 the harpoon category of 40 metric tons. And then
2 recently there was a final rule that published
3 which provided additional quota for all the
4 categories as a result of an ICCAT recommendation
5 in 2014. And along with this recent quota rule
6 was carried forward the under-harvest in 2014 to
7 the Reserve in the amount of 94.9 metric tons.

8 To delve a little deeper at this time
9 into the quota rule, this rule published on
10 August 28th and will be effective on September
11 26th. It involved increases to the baseline
12 quota, an increase of 135 metric tons so bringing
13 the overall quota from 923.7 which was
14 established in 2011 up to 1058.79 metric tons.
15 And so therefore this adjusted the baseline
16 annual sub-quotas for the domestic fishery across
17 the board consistent with those new processes and
18 measurements involved in Amendment 7.

19 This rule also made minor regulatory
20 modifications to the purse seine rules which
21 clarified it. In the context of the purse seine
22 fishery a transfer at sea speaks to the routine
23 limited use of a skiff in conjunction with the
24 operation and isn't regulating transfer at sea in
25 the usual sense of the word.

26 And then lastly, specific for 2015 and
27 also consistent with Amendment 7, the Reserve
28 quota again was adjusted as part of the overall
29 across-the-board adjustments and therefore the
30 Purse Seine and Reserve category quotas had to be
31 readjusted from what was previously announced.
32 So bottom line there, readjustment of the numbers
33 that were originally published.

34 A variety of inseason actions were
35 taken to modify daily retention limits for
36 bluefin tuna. The General category retention
37 limit was set at three large medium or giant
38 bluefin during the period January through March.
39 And then subsequently at four per trip for the
40 period June through December. And in a similar
41 manner the Angling category bluefin limit started
42 the year at the default of one school, large
43 school, or small medium and this was during the
44 period of January through May of 2014. And then
45 subsequently we published an inseason that
46 modified the private angling vessels to one
47 school and one large school/small medium. And
48 then similarly the Charter/Headboat sector one

1 school and one large school/small medium for the
2 period of May 15 through December 31st.

3 We conducted a number of inseason
4 transfers as I referred to briefly before.
5 Twenty-one metric tons within the General
6 category was transferred from the December
7 subquota period to the January-March sub-quota
8 period. And again this was done under Amendment
9 7 authority. Some of these inseason transfers of
10 quota were done under the new authority
11 implemented by Amendment 7 and some under the
12 previously-existing authority.

13 So this 21 metric tons which basically
14 moved it earlier, this quota earlier in the
15 season was done under new authority. Eight
16 seven-point-four metric tons from the Purse Seine
17 category to the Reserve category, this is what we
18 referred to before as the annual reallocation.
19 And then again, 34 metric tons from the Reserve
20 to the Longline and 40 metric tons from the
21 Reserve to the Harpoon category.

22 The Angling category trophy south
23 fishery was closed on June 7 and the Purse Seine
24 category fishery started on July 6th. And again,
25 per Amendment 7, NMFS has the authority to start
26 this fishery annually in the time period between
27 January 1 and August 15th. It's no longer a
28 fishery that starts at a default date.

29 The agency was sued on the
30 implementation of Amendment 7. The Plaintiffs
31 took issue with a variety of legal issues
32 including the fairness of the individual bluefin
33 quota system and the economic impacts. This
34 complaint was from pelagic longline fishermen as
35 well as related businesses, predominantly from
36 North Carolina but also from New York and
37 Florida. The Department of Justice filed a
38 partial motion to dismiss and the Judge granted a
39 partial motion to dismiss and there's a briefing
40 scheduled for this fall. And as I understand it,
41 this motion to dismiss was based on some of the
42 applicable laws, essentially the lawsuit involved
43 both Magnuson and Administrative Procedure Act,
44 NEPA, et cetera. Some of these claims were
45 dismissed while, I believe it was the Magnuson-
46 Stevens aspect that is still pending.

47 One of the new requirements under
48 Amendment 7 was for bluefin reporting by the

1 General, Harpoon, and Charter/Headboat
2 categories. Previously the fish, commercial fish
3 landed by these permitted categories was tracked
4 only by at the point of dealer. We had landings
5 information but the vessel did not have
6 responsibility to report. Amendment 7 changed
7 this, now the vessels are required to report the
8 length of all bluefin retained or discarded dead
9 through an online system within 24 hours of
10 landing or the end of each trip. And so this
11 website address provides the link where vessel
12 operators log in -- or excuse me, they don't log
13 in, they just, you know, find that web address,
14 type in the relevant information and provide the
15 information.

16 This table provides a snapshot between
17 the area from January through July of the
18 landings data showing the dealer data which
19 again, as I mentioned, is the currently-existing
20 data stream. With this new data stream, the
21 online reports and shows indication that there is
22 compliance with this new regulation, although
23 little. So clearly outreach to the fishery must
24 continue and improve, in fact. And so we look
25 forward to your suggestions as to how, you know,
26 we can improve this outreach and increase in our
27 level of compliance.

28 As an example, looking at the online
29 data stream versus the dealer data stream, the
30 number of bluefin reported, and these are just
31 landings, are 42 percent of the dealer data. The
32 number of vessels reporting in this new system
33 represent 21 percent of those vessels captured by
34 the dealer data. And the online system
35 represented 30 percent of the trips that were
36 noted in the dealer data.

37 The purse seine fishery to date, the
38 purse seine fishery started on July 6, and again
39 this was the date NMFS designated. There has
40 been an exempted fishing permit issued for a
41 second year in a row to the purse seine fishery
42 which allows retention of bluefin measuring
43 between 73 less than 81 inches. This size range
44 would largely otherwise be discarded due to the
45 regulation on the books that limits the tolerance
46 of this size bluefin to 15 percent by weight of
47 the total giant bluefin landed in a particular
48 year.

1 So again, this EFP allows retention of
2 fish that would otherwise be discarded by
3 regulation. And the net effect of this EFP is
4 during the first couple trips of 2015,
5 approximately a third of the fish retained were
6 those of a size that would otherwise had to have
7 been discarded. More specifically this table
8 looks at that data comparing the 2014 and 2015
9 fishery under the EFP with 2013 data and you can
10 see various metrics here in the left-hand column,
11 observer coverage, landings, dead discards and
12 catch.

13 And then if you look over on the
14 right-hand column, the average change during the
15 last couple years when compared with the pre-EFP
16 year of 2013 was an average increase of 7 metric
17 tons landings, however a decrease of dead
18 discards of 9.2 metric tons and a catch decrease
19 of 2.2 metric tons. And this specific amount of
20 dead discard reduction is about a 26 percent
21 reduction over 2013 levels.

22 As you're aware, under Amendment 7
23 individual vessel permits were determined either
24 eligible or not eligible for catch shares under
25 the criteria published. And eligible vessels
26 were designated one of three tiers of shares.
27 And therefore vessels were provided an
28 opportunity to contest this agency determination.
29 There have been 12 folks who contested, or 12
30 permit holders who contested those decisions and
31 those initial administrative decisions have been
32 resolved where one was approved and twelve were
33 dismissed.

34 And the next step in the process, if
35 vessel owners will feel like they've been
36 mistreated or the agency made an erroneous
37 decision, they may appeal to the national appeals
38 office by the deadline which is 90 days after
39 that initial administrative decision by the
40 agency.

41 One aspect of Amendment 7, too, keep
42 in mind is that the accounting rules under the
43 individual bluefin quota program are fairly
44 different from 2015 to 2016. And we implemented
45 these different rules to provide a good measure
46 of flexibility for vessels as they adjust to
47 these widespread changes in the fishery. So in
48 2015 all bluefin retained or dead discarded must

1 be accounted for through the electronic IBQ
2 system, so there is that accountability.
3 However, there is not a minimum amount of quota
4 to fish and a vessel may fish in quota debt. So
5 if a vessel, for example, was not provided
6 allocation under Amendment 7 or catches some
7 bluefin and doesn't have quota to account for it
8 and is therefore in quota debt, they may continue
9 to fish. However, as the fishing year continues
10 this accountability continues and the debt
11 accrues. And at the end of the year any
12 remaining quota debt would come off an allocation
13 from the 2016. So again the vessels are
14 accountable at an annual basis, just not at a
15 trip level basis.

16 In contrast, in 2016 the accounting
17 rules will be different whereby a longline vessel
18 will be required to have a minimum amount of
19 quota to go fishing. So 275 pounds of quota
20 would be required in the Atlantic to leave the
21 dock and it contrasts a larger amount in the Gulf
22 of Mexico, 550 pounds.

23 And then secondly a vessel cannot
24 depart on a subsequent trip if there is quota
25 debt for less than the minimum amount required.
26 So at the end of a trip if a vessel unfortunately
27 runs into a lot of bluefin, uses up their quota,
28 they can land those fish, we're not mandating the
29 discards, however they would not be able to
30 depart on a second trip unless they were able to
31 account for that quota debt by leasing additional
32 quota.

33 As you're aware, another provision of
34 Amendment 7 supporting this individual bluefin
35 tuna quota program is an electronic monitoring
36 system, essentially cameras, associated computer,
37 hardware to store the data, and sensors which
38 trigger the video to run and to stop. These
39 systems were installed on successfully 110
40 vessels and so I'll briefly provide you with an
41 update on some of these details.

42 As I just mentioned, 110 vessels have
43 been outfitted successfully with these full
44 systems and this is out of the 136 eligible
45 vessels. And by eligible I mean those eligible
46 for quota shares. And then two or three
47 additional vessel installations are likely to
48 occur in September. We've received a number of

1 hard drives from these vessels at the end of
2 trips, 86 in June, 105 in July and I think about
3 135 in August.

4 The foremost logistical challenge to
5 date has been procedures for mailing these hard
6 drives. When folks mail the hard drives to NMFS
7 we're requiring that vessels also include a
8 prepaid mailing label to facilitate the return
9 mailing back to the vessel of replacement hard
10 drive. Initially there was a steep learning
11 curve but this has been mostly resolved, so this
12 is an example of one of the initial hurdles.

13 Again, this is a new fairly complex
14 technical program relying on multiple parties to
15 implement NMSF contractor and of course the
16 vessel operators so we have seen a number of
17 challenges. These technical challenges actually
18 for the most part have been fairly
19 straightforward to resolve and they've been
20 resolved by both phone calls from the contractor,
21 Saltwater, Incorporated, as well as in-person
22 technician visits to vessels. These technical
23 challenges are ongoing and have not been
24 eliminated.

25 This provides an example of kind of
26 the range of technical challenges, some easily
27 resolvable by, for example, a camera recording
28 wasn't triggered when it was supposed to. The
29 recording of the units is triggered by one of two
30 sensors. The sensor unit plug came out of the
31 computer so it didn't work in this case. The
32 system wasn't recording, this required a in-
33 person service call to reset a sensor. Camera
34 blank, a system not turned on. Some however
35 require more substantive work such as replacement
36 sensor or recently there's been challenges with
37 power systems on a couple vessels being
38 incompatible for some reason with the operation
39 of the system. And we're tracking that and
40 making improvements as we go.

41 We've been working with the Southeast
42 Fishery Science Center personnel on the design
43 and implementation of a sampling design. Again,
44 the objective of this electronic monitoring
45 program is verification of bluefin tuna
46 identification, of accounts provided by the
47 vessel operator. So it's a narrowly focused
48 program not intended to provide a census of catch

1 but narrowly looking at bluefin tuna and
2 specifically a sampling protocol to look at
3 bluefin tuna catch. So the design developed by
4 the Southeast Fishery Science Center is what's
5 characterized as a two-stage stratified random
6 sampling program. The primary sampling unit
7 being a trip and the second sampling unit a set,
8 and this is stratified by area and season.

9 The bottom line is a sample size of
10 approximately ten percent of trips with a minimum
11 of one sample per vessel. And it's a two-stage
12 video review. The initial review is quality
13 control to make sure the camera is pointing in
14 the right direction, that the image is clear.
15 It's essentially viewable in capturing the
16 location on the vessel that's intended, either
17 alongside on the water or, for instance, the back
18 deck where the fish is processed, because there's
19 two cameras per vessel.

20 And then the secondary step is the
21 detailed review where a technician locates fish
22 in the video accounts and identifies these fish.
23 And because this is a time intensive human
24 activity we're also working on the development of
25 software to isolate the relevant images, namely
26 the fish, to reduce the video time so that the
27 person isn't just sitting through hours of video
28 between the hooks or empty hooks. The software
29 is able to speed through the video to -- from one
30 catch event to another.

31 So information on the fishery, how the
32 longline fishery is faring with the catches to
33 date. There is data that can be found online
34 with respect to landings, dead discards, total
35 catch, et cetera. This can be located by the
36 public at the Southeast Fishery's portal that the
37 southeast region developed for their catch share
38 programs. You go to the Southeast Regional
39 Office Catch Share Program public home page
40 initially and this is what that looks like. And
41 then you'll see in the middle of the screen,
42 about the fourth tab over it says "BFT Catch,"
43 bluefin tuna catch. That's where you go to
44 obtain information on the catch. This initial
45 page still provides that home page for various
46 users including pelagic longline users and has
47 important messages, recent updates, et cetera.

48 But then if you click on bluefin tuna

1 catch, you'll see this page and my intent here
2 isn't to show the details but just to familiarize
3 you with the layout of this page. It has share
4 category on the left-hand column, quota
5 distributed, landings to date, dead discards to
6 date, total catch to date, percent of quota
7 remaining and then quota remaining in pounds.
8 And again, this is in whole weight.

9 And this is a subset of the table I
10 just showed so you can actually see the numbers.
11 The bluefin tuna catch to date, this was as of
12 August 31st. In whole weights, landings by the
13 pelagic longline fleet were 67,838 of bluefin,
14 2752 dead discards with a total 70,590. And this
15 is broken into the Atlantic and the Gulf regions.

16 Looking at the impact of these
17 regulations, specifically in this case on
18 landings, comparing information from the current
19 2015 year to 2014 we looked at the time period
20 January through June. And you can see the
21 bluefin landed, this is based on the dealer
22 database. The bluefin landed from 2014 to 2015,
23 309 during January to June 2014 versus 114 in
24 2015. And we're using the dealer database to
25 compare apples and apples because the other data
26 streams didn't exist in 2014, you know, we're
27 looking at the same type of data. So that's a
28 reduction of 195 bluefin in the first half of the
29 year.

30 How are the participants in the
31 longline fishery faring? One metric is the
32 amount of quota debt vessels have incurred.
33 There have been 56 vessels that have logged into
34 and accounted for bluefin catch in the IVQ online
35 system and this includes both landings and dead
36 discarded bluefin. Of these 56 vessels that have
37 actively logged this information nine vessels are
38 in quota debt ranging from 424 to 3900. This
39 data is through July. If you take August into
40 account the number of vessels in debt's the same,
41 it's about 1000 more pounds. So in other words,
42 about 16 percent of the vessels that have
43 accounted for bluefin in the system are quota
44 debt. The average amount of quota debt is 1557
45 pounds with the total being 14,011 pounds.

46 And the July 31st quota transfer that
47 was from the reserve to the longline category
48 provided an additional 551 pounds for each of the

1 136 permit holders who receive IVQ shares. So if
2 this inseason action had not occurred, it was
3 more in the line of about 20, 25 percent of
4 vessels being in quota debt. So we successfully
5 reduced somewhat the level of quota debt by this
6 inseason transfer.

7 Another metric of how vessels are
8 faring is looking at the bluefin quota leasing
9 status. A successful bluefin leasing marking is
10 very important, as you're aware, to the success
11 of the quota program. Looking at leases in the
12 universe of both longline and purse seine vessels
13 there were 20 transactions between different
14 shareholders. So in other words, a particular
15 vessel owner/operator may own multiple vessels
16 and be leasing between those vessels. This look
17 at the data doesn't involve that, it's at a
18 higher level between different owners
19 essentially, or shareholders. So there were 20
20 of these types of transactions.

21 The total amount of quota leased was
22 91,030 pounds or 41 metric tons which includes
23 purse seiners. And the average amount leased was
24 about a ton. And this average was calculated
25 just on longline category participants, not
26 including the purse seine shareholders because
27 those leases were at a much larger level and
28 skewed the average so it was hard to tell what
29 was going on.

30 The overall distribution of leases,
31 looking at the universe, 61 percent of the lease
32 quota went to the longline shareholders and 39
33 percent went to the purse seine shareholders.
34 And there was no leasing that occurred from the
35 longline to the purse seine vessels. The leased
36 bluefin that originated from the purse seine
37 shareholders was about 58 percent of the total.
38 So again, looking at the overall, answering the
39 question, okay, who is doing the leasing by
40 volume? Fifty-eight percent of the quota was
41 leased by the purse seine vessels. And then of
42 that, 17,000 pounds went from the purse seine
43 vessel to a particular longline vessel.

44 Price information for those twenty
45 transactions was provided for seven of the
46 transactions with an average of \$3.14 per pound.
47 If you threw out the lowest price which was one
48 cent the average rises slightly to \$3.67 pounds.

1 So again that average leased rate was one cent to
2 upwards of \$4.50 a pound.

3 So again looking at the monitoring of
4 this fishery, what kind of new data we have
5 coming in, how the compliance level was, one of
6 the requirements in support of the individual
7 bluefin tuna program was the requirement that
8 these vessels report catch through their VMS
9 system within 12 hours of the end of each
10 longline set. So again, there's a report
11 required for each longline set. Looking at the
12 number of reports we've received there's been
13 pretty good compliance here. January, a little
14 over 300 reports increasing trend over time to
15 over 600 reports submitted in July.

16 In terms of what these reports are
17 noting with respect to bluefin tuna, as a
18 percentage of the reports in January there was
19 about three percent of the reports noted some
20 interaction with bluefin tuna. It went to a high
21 of just over 11 percent of the reports noting
22 interactions with bluefin in June. And went down
23 in July and down further in August.

24 And then specifically we did get data
25 from these VMS reports on the type of
26 interactions that are occurring. The blue bars
27 are bluefin retained, green the leased live and
28 red bars are dead discards. But again, these are
29 the number of interactions so you can see
30 relatively speaking the highest number of
31 interactions were those released alive in most
32 cases with the least number of interactions were
33 the dead discards.

34 In terms of impacts on the longline
35 fishery as a whole and getting an idea of overall
36 trends, looking at the bigger picture of the
37 fishery, we looked at eDealer data comparing 2014
38 to 2015 data on the number of trips taken overall
39 during the period January through June. So
40 again, this is numbers of pelagic longline trips
41 based on eDealer data. Overall the numbers have
42 been reduced from 700 trips during this six-month
43 period to just under 400 trips in 2015. And
44 again, a decrease both in the Gulf of Mexico and
45 the Atlantic. And a slight decrease in the
46 number of vessels reporting these trips. 94
47 vessels in 2014 versus 84 in 2015.

48 With respect to some more detail on

1 the landings that occurred during these trips,
2 and again eDealer data, there has been a decrease
3 in the number of pounds, comparing 2014 to 2015.
4 Of note and one contributing factor are the gear
5 restricted areas in place both in the Gulf of
6 Mexico and in the Atlantic. The Cape Hatteras
7 GRA was in effect from January through April and
8 the Gulf of Mexico GRA was in effect April and
9 May. So again, noting an overall decline in
10 landings. And then this slide is showing also
11 eDealer data, the associated decline in value
12 because of, in part, the reduction in the net
13 amount of landings.

14 So what's going on in the fishery?
15 Well clearly this is a topic for much debate and
16 plenty of concern among all involved. There is a
17 variety of reasons that we've heard on the
18 telephone talking to folks in person and some of
19 them are listed here. The impact of Amendment 7
20 regulations directly such as a gear restricted
21 area. But also just the uncertainty in the
22 fishery as a result from these wide-sweeping
23 regulations, low market price for target species,
24 high imports of target species affecting both the
25 demand and the price. Participation in the mahi
26 fishery and slight decline in the number of
27 participants as well as other factors such as
28 someone characterized to me a devalued fishery in
29 general based on multiple factors, that's the way
30 they wanted to characterize the fishery.

31 So again, I'll stop here. I know I've
32 provided a lot of information. We have some time
33 to have some discussion now, we'll have some
34 additional time slated for this afternoon. Thank
35 you.

36 MS. LEA: Thank you very much.
37 So we already have a queue going and
38 -- which is probably not surprising. So right
39 now I have on the queue Chris, George, Rich,
40 Scott and then Jason. And I'll just keep adding
41 to the queue so if I don't get to you now the
42 same queue will be in effect later, you know,
43 we'll just continue with it later on.

44 So Chris?

45 MEMBER WEINER: Thanks for the
46 presentation, that was good.

47 I was just curious, what -- how has
48 the agency done for outreach on that reporting?

1 Because obviously that number is a lot lower than
2 any of the 41 percent, it's obviously a lot lower
3 than any of us want. But I can tell you that, as
4 someone that goes to these meetings that, I mean,
5 it was -- when we first caught our first -- when
6 we caught our first fishes here it almost was
7 hard to remember for us to do it. So I know for
8 a fact that like there are a lot of fishermen
9 that have no idea. And we're going to be working
10 on it in the industry but, I don't know, maybe we
11 should work together because it's, actually when
12 you think about it, almost remarkable that 41
13 percent have been -- just because it's so new and
14 so different. And so I'm just wondering, what
15 has been done and I guess it might be worth us
16 all working together to get that better.

17 MR. WARREN: I agree wholeheartedly
18 that we need to work together and, you know, need
19 new ideas. We used our ListServ email so folks
20 were signed up on that service and that list
21 already, they would obtain it. It was in the
22 hardcopy Amendment 7 documents that were
23 distributed as of last December and also
24 available on our website. But again I agree that
25 it may not be the best way.

26 That percentage also is actually a
27 little higher than what was noted here because
28 that was just landings information and vessels
29 have also reported dead discards that bump up
30 further the level of compliance.

31 MEMBER WEINER: Yeah, it might be
32 worth -- I don't know how we'd do it but we could
33 work together.

34 MR. McHALE: Yeah, Chris, thanks. You
35 bring up a good point. So as Tom mentioned, the
36 agency has done all the standard avenue,
37 ListServes, I mean, we've discussed this measure
38 through proposed rulemaking, final rulemaking,
39 things are posted to the website, et cetera. But
40 yet you still have this biased low. And that
41 isn't to be unexpected the initial year where,
42 not only for some of the longline measures and
43 electronic monitoring and IVQ where we
44 anticipated a learning curve we also expected a
45 learning curve on this front as well.

46 And we will be looking to partner with
47 folks in the industry, ABK being a prominent
48 player when it comes to some of these handgear

1 fisheries of getting that word out. Because what
2 we haven't been able to do yet but we do have the
3 ability to do is then compare every single report
4 that's been submitted to a dealer and then see
5 who has and who has not reported through this
6 system. So we can identify every single
7 individual, at last using catch information as
8 that verification tool.

9 Now ultimately we want folks to
10 comply, that's always the intent. But somewhat
11 different from, say, what we've experienced in
12 the recreational fisheries is we do have that
13 verification tool. And so we'll be doing maybe
14 some dedicated outreach to folks in the industry
15 to get that word out because eventually we don't
16 want these to evolve to, say, enforcement cases
17 to the folks that presented prior.

18 MEMBER WEINER: Yeah, I think we could
19 work together.

20 MS. LEA: Thank you, Chris. George?

21 MEMBER PURMONT: Thank you. Very nice
22 presentation.

23 New England's 2015 giant Atlantic
24 bluefin tuna season began on the 1st of June for
25 General and Harpoon categories, 6th of July for
26 the Seine category. As a point of observation,
27 early landings were strong, prices were very
28 poor. By the early part of August the body of
29 giant bluefin had moved out of our waters,
30 current landings are poor and prices have not
31 improved. It appears doubtful if the general
32 category will catch its full quota.

33 What prompts the following is the
34 observation of rapid changes of water temperature
35 in the Gulf of Maine. Scientists say the Gulf of
36 Maine is warming faster than more than 99 percent
37 of the world's oceans. NOAA is now releasing a
38 climate science strategy pointed out by Eileen
39 Sobeck, Assistant NOAA Administrator for
40 Fisheries, and Richard Merrick, NOAA Fisheries
41 Director of Scientific Programs and Chief Science
42 Advisor.

43 We are mostly aware that all fish
44 prefer to maintain themselves in an envelope of
45 temperature, plus or minus. Habitat, bait fish
46 such as herring and mackerel -- the Weiners have
47 worked on this a long time -- and fishing
48 pressure on such species as well as the vagaries

1 of migration have greatly impacted our abilities
2 to catch the commercial and perhaps the
3 recreational quotas of Atlantic bluefin tunas.

4 The general category quota as of 2012
5 was on the 1st of January to the 31st of March, a
6 sub-quota for the Carolinas by which the quota is
7 either reached or the fishery halted on the 31st
8 of March. 1st of June it starts up again until
9 the 31st of December when the New England
10 fisheries start and then the opportunity for
11 leftover Carolina quota can be caught. This
12 suggests that there are no fishing opportunities
13 for the general category between the 1st of April
14 and the 31st of May.

15 I propose discussion on allowing the
16 General category further opportunity. My
17 offering is to have annual without interrupted
18 fishing. If the fish are in your waters and
19 there is quota available then you should be
20 permitted to fish. I propose further discussion
21 to include the same annual quota timeframe for
22 the Harpoon and Purse Seine categories. I think
23 that historically we set a timeframe of June, we
24 set a timeframe for July, we set a timeframe for
25 August and I think that that's a constricted way
26 of thinking.

27 Thank you.

28 MR. McHALE: Yeah, thank you for the
29 comment there, George. I think we could probably
30 talk in the margins as far as some of the history
31 that goes behind that. The agency is always
32 willing to kind of listen and adapt to see if
33 what has worked in the past will continue to do
34 so in the future. But a lot of those different
35 management measures were in place given the broad
36 geographic scope and providing equity when catch
37 rates can be high. So that we don't experience
38 what I believe Scott may have raised earlier is,
39 what may have transpired in the mahi fishery,
40 where there's a date. And if there's high catch
41 rates in one area other folks are feeling the
42 repercussions of that.

43 But I know the year-round fishery in
44 the general category has been discussed around
45 this table for some time, we can continue to look
46 at that. So thank you for those comments.

47 MEMBER WEINER: What I'm trying to
48 say, as much as anything, is that because we are

1 not capable of looking for fish as far as
2 catching and landing them in May, there could be
3 a high possibility of fish being there. And then
4 rather than to incrementally step up a month for
5 the Harpoon and Purse Seine categories, rather
6 than do that, paint it with a larger brush and
7 start them all at the 1st of January.

8 Thank you.

9 MS. LEA: Thanks, George. Next is
10 Rich and then I have Scott, Jason, Stephen, Anna,
11 Pat, Rom and Randy in the queue. Chris, are you
12 wanting back in the queue or -- okay.

13 Go ahead, Rich.

14 MEMBER RUAIS: Thank you, Suzanne.

15 I do want to compliment the staff on
16 a great presentation.

17 And also as a general comment say
18 that, you know, we have a lot of fears going into
19 implementation of Amendment Number 7 and I'm
20 really surprised, and I think a lot of people in
21 ABTA are surprised at how smoothly it went for
22 such a fairly dramatic transition. Recognizing
23 that all the measures are not fully implemented
24 yet but given that it contained a serious number
25 of changes, I think we had discussed where is
26 this all going? And a number of us in sidebar
27 conversations agreed it's going to take a few
28 years to see exactly where this is going to go.
29 And I don't think it's going to be as bad as we
30 initially thought it might have been given the
31 first year of performance.

32 Just I'll try to be quick because I
33 know there's a lot of other people but in terms
34 of Chris's comment, it's absolutely correct. We
35 had a problem with that initial call-in
36 requirement but it wasn't because of lack of
37 notice. Everything that Tom and Brad said in
38 terms of the amount of agency notice that this
39 was coming, every public hearing, every AP
40 meeting, ABTA put out a note right before the
41 season, described it for everybody what the
42 responsibility -- frankly it was really a matter
43 of -- as Brad said, it was a new plan. Anything
44 new, it's a little bit inconvenient, especially
45 for general category boats in particular, and the
46 harpoon boats, of course, that aren't very large
47 vessels, don't have the most sophisticated
48 equipment and ample equipment.

1 And they often have to land, depending
2 upon where the fishery is, in a strange port. So
3 getting -- if they don't have the online
4 capabilities it makes it just a little more
5 stressful that they're not complying with the
6 regulations, so that might have accounted for the
7 disturbance. We didn't extend a lot of sympathy
8 to the non-compliance and said you're just going
9 to have to come up to speed on it. Longline
10 vessels, I cited the example, have cameras
11 onboard so, you know, our responsibility is not
12 that great.

13 And also that the table only mentioned
14 online responses. Did that also include the
15 telephone number to the numbers that were --
16 anybody calling in to the telephone number?
17 Remember after we talked we gave everybody a
18 telephone number they could call, and the only
19 problem was that after 5:00 o'clock there was no
20 recording machine?

21 MR. MCHALE: Inclusive.

22 MEMBER RUAIS: Inclusive, okay, great.
23 And our suggestion to that was to get a recording
24 machine so that somebody could call a simple
25 phone number and report in after 5:00 o'clock and
26 you'd get a lot more participation that way as
27 well. And hopefully we can continue to work on
28 that.

29 The other thing, we were pretty
30 pleased with the 40-ton harpoon unprecedented, I
31 guess, allocation out of reserve at a key time
32 where I think it sent a signal much beyond just
33 the harpoon category to a lot of people who watch
34 the fishery that the agency can be a bit more, a
35 little bit more relaxed. We got 137 extra tons
36 to deal with so there is a buffer zone there,
37 plenty of quota to go around. Two of the purse
38 seine boats were completely inactive so we knew
39 that quota was going to be floating around. So I
40 think it was good to do that.

41 The disappointment is that you
42 continue -- in my view, it didn't come generally
43 from the fishery but from my view -- was keeping
44 the general category at a four-fish bag limit as
45 opposed to a five-fish bag limit. And I honestly
46 didn't get a lot of static for that but yet I
47 thought it would have been important to show
48 because I'm still convinced we're not going to

1 achieve our quote again. And now instead of --
2 you know, now we're going to be able to roll over
3 105 tons as opposed to just 94 tons. But we've
4 been leaving 90 to 100 tons in the water or more
5 and the idea is to achieve it. So whoever needs
6 to get it should be able to get it.

7 And just a couple of quick -- you know
8 what, I'm going to stop there. The other things
9 I can handle offline with you. Just generally
10 please, with the initial implementation and hope
11 the, you know, remaining issues -- and I know
12 there are some. And one thing just comes to
13 mind, are we going to see a sample of the film at
14 some point? I saw it on the -- thank you.

15 MR. MCHALE: Yeah, thanks, Rich. So
16 we do have the session this afternoon so we can
17 keep that going.

18 Some of the AP members around the
19 table have been gracious to allow us to display
20 some of their footage so folks can kind of get a
21 flavor of what those cameras are and are not
22 capturing. But just given the limitations
23 heading into the lunch break, we'll break those
24 out this afternoon.

25 MS. LEA: Thank you, Rich, and thank
26 you so much for being aware of the time sharing.
27 Awesome.

28 All right. So now we have Scott and
29 I've also added Jeff and Terri to the queue so
30 obviously we're not going to get through
31 everyone before lunch but we'll see what we can
32 do. Scott?

33 MEMBER TAYLOR: A couple of things
34 that I want to point out, while there are things
35 that I agree with Rich about I think that there's
36 some things that are extremely troubling from the
37 standpoint of the initial data that's coming out
38 that reflect an overall trend in landings. And
39 one of the things that I kind of alluded to
40 before when I was talking about the mahi is
41 you've got to be careful when you put your finger
42 in the plug one place that you don't develop
43 leaks some other place. And unless I'm reading
44 your data incorrectly, a drop down now to 84
45 active longline vessels is not a little decrease,
46 that's a substantial number of attrition in six
47 months. Fifteen percent, it looks like to me,
48 from your 2014 numbers, and a number that's

1 substantially lower than what we were talking
2 about that was what you had initially assumed
3 that was active based upon the allocation of, I
4 believe, 110 monitoring systems that you thought
5 would have qualified during the -- that
6 qualifying period.

7 But what's extremely troubling are the
8 two things that this data are showing. One of
9 them is that if you look at the effort that's
10 being made, it's substantially down from -- these
11 are trip numbers that we're looking at. And we
12 have to assume that the eDealer landing data is
13 pretty accurate, I think everybody's there. So
14 we're down from 400 trips from the same period
15 last year from a little over 700 trips that I can
16 tell you from a practical standpoint that the
17 impact of Amendment 7 is going to have dramatic
18 numbers on our swordfish landings. That it
19 wasn't very long ago I sat around this table and
20 we were -- everybody was pretty much patting
21 themselves on the back about how, you know, we
22 basically were almost achieving, you know, U.S.
23 quota numbers for the swordfish. And this
24 becomes a much more complicated issue in terms of
25 the things that both Rich and George were
26 pointing out, also referring to the market value
27 of these fish. I mean, that becomes a
28 complicated issue but that is straddling all of
29 the Pelagic species right now.

30 That I think that my biggest concern
31 moving forward and one that I've mentioned before
32 is that the other disturbing number is 25 percent
33 of the vessels already operating at a deficit
34 level. We've been extremely aggressive because
35 our operation through ownership and through
36 management agreements and independents that work
37 for us represent about 20 vessels, that's close
38 to 20 percent of the numbers that are active that
39 are out there at this point. And there's a
40 subset within that group that are boats that we
41 don't own and boats that we don't specifically
42 manage that are independents that are not going
43 to be in a position financially next year to
44 acquire quota if there's bluefin interactions
45 down in the south area.

46 And we have a substantial disconnect
47 in timing between the boats that are fishing
48 south of North Carolina and the boats that fish

1 in the northeast in terms of bluefin
2 interactions. You know, we're going to see the
3 majority of our bluefins between January and
4 June. Right now I couldn't buy one if I wanted
5 to down there, they're just -- the fish are not
6 physically there so it's not a problem for us.
7 But that in terms of the real world implications
8 of the way that this quota allocation is working
9 and, you know, it looked to be that your numbers
10 are probably a little bit skewed, Tom, because
11 you took an average of what the total poundage
12 was against the dollars that have been reported,
13 and maybe there was some internal transfer for a
14 penny or whatever it was. But most of the quota
15 allocation has been more in the four-and-a-half
16 dollar range but there's a lot of players out
17 there that are holding quota that are not
18 fishing, that are holding out for a lot more
19 money than that. And that these boats are not
20 going to be able to afford to pay that.

21 And I want to commend, you know, your
22 entire staff for the release that you made on the
23 -- here recently for the 551 pounds. While it
24 certainly is not the numbers that we were looking
25 for, it certainly was a fulfillment of a
26 commitment that you all had made to use, you
27 know, an arrow in your quiver, for lack of a
28 better description, to send that signal. But
29 this dynamic is going to be completely different
30 come January 1.

31 I'm telling you as sure as I'm sitting
32 here on the table that you're going to see
33 substantial numbers of boats having a tough time
34 getting out or making a decision as to whether or
35 not they're going to fish. And I would expect
36 this trend to continue because the permit holders
37 that are holding quota that are not participating
38 in this fishery are going to market that quota to
39 the Pelagic fleet that needs it based on our
40 ability to fish, not the value of the fish.

41 This is an area that we've never seen
42 before where you have a choke species here that
43 really will keep these boats from going out and
44 fishing and that you're going to be faced with
45 having to either acquire a quota to be able to
46 leave the dock or not to fish. So the initial
47 implementation that you had with this 2015 season
48 is going to be pretty successful, I think. I

1 think at the end of the day I might -- my
2 personal hope is that some of these people that
3 are sitting with quotas that are not fishing,
4 I'll be polite, that they wind up holding on to
5 it until after December 31st and not able to get
6 any value out of that. That would be a good
7 thing in general to send a message.

8 But that in the absence of that, those
9 same individuals will be looking to recover the
10 value coming into the next year. And so that by
11 allowing this to run a deficit in the way that
12 you've done, I think that there'll be ample quota
13 available either through the marketplace or
14 through this mechanism to reconcile the accounts,
15 for lack of better description, before the close
16 of the year. Which should be your kind of
17 effective endgame here, that you know, X number
18 of pounds were made available to the longline
19 fleet and X number of pounds got utilized
20 internally within.

21 It is still, from the original
22 comments that I made, hugely problematic that we
23 have a substantial number of individuals that are
24 holding quota that are not actively fishing. And
25 I think that given all the other pressures that
26 we are having as a longline fleet right now, the
27 ability to have to secure and pay for bluefin
28 quota in order to be able to out and go fishing
29 is just sort of what I alluded to in the
30 presentation that was made regarding, you know,
31 the situation down there in the Gulf. None of
32 these things individually seem all that invasive
33 but cumulative together they're breaking our
34 backs. They're making it so that quite frankly,
35 and I can tell you that the problem is compounded
36 for me, it's really getting to the point that
37 it's not very financially viable to fish. Not
38 because we can't catch but because when we do
39 catch we're being decimated by the imports, we
40 can't get value back out of the product, people
41 are not being held to the same standard that we
42 are.

43 We're being asked to continue to
44 sacrifice for the better good of -- you know, of
45 a Pelagic community that is not limited here to
46 the U.S. and then that very same product comes
47 back to flood our marketplace in a way that we
48 can't compete. And so this is not just simply

1 one problem and, you know, that -- I'm going to
2 stop here in just a minute, I promise. But that
3 I really need to make this point. Because we
4 tend to talk about specific issues but we lose
5 track of the big picture here.

6 My understanding was always from the
7 -- from my participation here that the big
8 picture was revitalization and the health of the
9 longline fishery and the balance of bycatch
10 mitigation, okay? I think that we've done a
11 pretty good job with the balance of the bycatch
12 mitigation but we're on an awfully terrible
13 trajectory right now for the swordfish issues.
14 And unless we start dealing with this thing in a
15 much broader sense I'm having a hard time keeping
16 an optimistic perspective right now. And having
17 an even more difficult time explaining to the
18 guys that are out there every day on the water,
19 20 days a month, okay, and you've got some of
20 them sitting around the table in here, that you
21 just don't understand what they're doing until
22 you've been out there with them. Okay, what that
23 lifestyle involves, the sacrifice that they make
24 that not only is the value of their product
25 shrinking but it continues to get more and more
26 expensive for them to be able to fish.

27 So I don't have a specific answer for
28 you but that I implore you to look at those two
29 issues. As to whether or not there's going to be
30 any flexibility in how you're going to deal with
31 us. And then we're going to talk to Margo about
32 some of the EFP and some of the other options
33 later, and I'm certainly going to make some
34 comments, you know, on that for, you know, true
35 avoidance of these fish.

36 But the other single thing that I
37 would -- that I don't want to miss in this
38 environment, Tom and Brad both, is that on top of
39 the day that these guys put in, the voluminous
40 effort that it takes to keep track of the
41 paperwork and the demands that are being put on
42 us for the reporting are insane, okay? This is -
43 - we live in a technologically wonderful world.
44 In no time in human -- in mankind have we seen
45 the advances that we have. Why can't there just
46 be a simple set report that gets done on the VMS
47 that that data can be shared with everybody one
48 time? And if you did that you wouldn't have a

1 compliance issue because I can tell you every one
2 of these guys would gladly get done at the end of
3 their day, enter the data for whatever transpired
4 the end of the day and walk away from it.

5 And it might even, if anybody from
6 Southeast Science Center is here, eliminate the
7 problem when we go to renew our permits of a 20
8 or 30 percent problem with missing reports that
9 clearly have been mailed in. I mean, we have it
10 all the time with stuff that we've gotten to the
11 point that we fax it now rather than emailing it,
12 and do both so that we have the data backup to
13 show that we've, in fact, sent those reports in.
14 But it still doesn't get disseminated and
15 recognized through your system. So a streamlined
16 system that would get you the information that
17 you need in real time, one time, you would find a
18 much higher degree of compliance.

19 Anybody that's commercial fishing
20 that's been out there and done that will
21 absolutely tell you that that's a huge problem
22 for a guy that puts in an 18 or 20-hour day and
23 then needs to sit there and, you know, do this
24 compliance. So I'm longwinded, I'm sorry, I
25 can't -- it's obviously something I'm pretty
26 passionate about. I apologize for monopolizing
27 the mic here. I'll --

28 MS. LEA: And thank you, you covered
29 a lot of ground. And we're going to have to hold
30 the rest of the queue until after lunch. But I
31 don't know if you all have any response you want
32 to make?

33 MR. McHALE: Yeah, no. Thank you.
34 You know, I want to continue that dialog, you
35 know, obviously into the afternoon and into the
36 evening as needed. You're right, there are more
37 things that are afoot here than just Amendment 7
38 that's impacting the fishery as a whole, that
39 bigger picture. So let's pick that up this
40 afternoon, keep that going and again, we're here,
41 we're not going anywhere. So if it means going
42 into maybe some dinner to continue the
43 conversations, I want to make myself available to
44 accurately understand everything that's at play
45 here so we can then properly acknowledge what is
46 Amendment 7.

47 And we're not going to give you a
48 chance to rebut, we're going to break. But then,

1 you know, to get all those different facets so
2 I'm not being blindsided or unaware of something
3 that is afloat.

4 (Off-mic comments.)

5 MS. LEA: All right. So we're going
6 to go ahead and break for lunch. And if you were
7 in the queue, I have everyone down and we'll just
8 continue the queue at 5:00. So go ahead and
9 enjoy some lunch and we're going to be meeting
10 back here at 1:45.

11 (A lunch break was taken.)
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A F T E R N O O N S E S S I O N

(1:53 p.m.)

1
2
3 MS. LEA: All right. So we're going
4 to go ahead and reconvene so if folks could make
5 their way back to their seats that would be
6 excellent.

7 And we're going to start off with some
8 NMFS leadership remarks from Eileen Sobeck. All
9 right, it looks like we're ready to go so
10 welcome.

11 MS. SOBECK: Hi everybody, good to see
12 you all again. Good to see some familiar faces,
13 I feel like I guess I'll be booted out of this
14 job by the time I actually get to know everybody
15 I'm supposed to know. That's the sad thing about
16 these kind of jobs but it's nice to come to these
17 meetings and see some familiar faces and hear
18 some familiar voices. So thank you for inviting
19 me and thank you for running a little late for
20 lunch, I don't have to confess that I was a
21 little late getting here.

22 And I hear that you had some --
23 already had some good meetings, that you had an
24 opportunity to meet our new head of NOAA law
25 enforcement, Jim Landon. And so I think -- I'm
26 hoping that you will get to know him better over
27 subsequent meetings. I feel we're very lucky to
28 have Jim at NOAA Fisheries and head of our law
29 enforcement team. I think that's really going to
30 be great and it really fills in a piece of our
31 fisheries leadership team that's been empty for
32 quite a while, and that's not good for law
33 enforcement -- it's not good for any operation,
34 it's certainly not good for law enforcement. So
35 I feel very -- I'm glad that you guys met Jim.

36 And you're going to meet John
37 Henderschedt this afternoon, somebody who is not
38 new at all to the fisheries world. He was a
39 member of Fisheries Management Council, he's had
40 experience in the private sector, he just brings
41 a really interesting mix of experience. We've
42 been privileged to introduce him into the world
43 of being a federal employee so he's still in a
44 little bit of a state of shock. But he's
45 somebody who I think really is going to have an
46 opportunity to -- I mean, we've given him, I
47 don't want to say free rein or free license but
48 we've really said to him, take a good look at our

1 international program, the traditional things we
2 do in the international realm. Make sure that we
3 support those in the ways that we have a need to.
4 But think of it -- think a bit bigger and bolder.

5 We did move the Office of Seafood
6 Inspection into -- within his office so it is the
7 Office of International Affairs and Seafood
8 Inspection. A little bit weird but it's really
9 kind of about -- it's about trade and commerce in
10 seafood. And so I think that -- I think it's
11 going to bring a new and fresh approach. And I
12 know that when you hear John you will be excited
13 about his ideas, both how he's following through
14 on our traditional commitments, you know,
15 negotiations and RFMOs, et cetera, but thinking
16 more broadly.

17 So I did want to again say thank you.
18 I know that you guys are richly remunerated for
19 these positions -- just kidding. I know that
20 there is some lost fishing time on the table or
21 time away from whatever your real day job is and
22 we really appreciate that. Without your input
23 these committees would not do -- fulfill the role
24 that is really valuable.

25 And I have -- I've worked at three
26 federal agencies, this is my third as you guys
27 know. I've worked with a number of different
28 advisory committees and I do think that the NOAA
29 Fisheries Advisory Committees that I've worked
30 with are some of the most focused and productive
31 of all the agencies. Some agencies -- some are
32 just too contentious to be productive and some
33 agencies, the agencies, it's sort of pro forma,
34 they don't listen or take action based on input.

35
36 But I think for us it's -- I've been
37 really impressed at the degree of interaction,
38 the level of respect and, while we clearly have
39 some contentious issues and we're not always
40 going to agree, it is important for us to get
41 your input and we'll take it very seriously. And
42 I get -- obviously I'm not able to sit through
43 all of your entire meetings but I do get
44 downloads on them, I get briefed on them ahead of
45 time and downloads afterwards. And every time I
46 have a meeting with Margo and her team I do get
47 input that's based on interactions with you or
48 your committees or some of you as individuals.

1 So it is a time commitment and I want to assure
2 you that, from our perspective, it's -- we value
3 your time and we take it seriously and it's a
4 significant contribution.

5 I know that over the last year one of
6 our -- the biggest topics has been the
7 implementation of Amendment 7 related to bluefin
8 tuna management. It's up and running, our new
9 quota system, and I understand that electronic
10 monitoring systems have been installed on 110
11 vessels. The video is coming in and being
12 analyzed. This is a real milestone for the
13 agency, a fleet-wide EM implementation. I know
14 there are, have been, will be bumps in the road,
15 there always are when you're doing something new.
16 But it is really important. And because this is
17 one of the first and one of the most important we
18 will be addressing those bumps and blips.

19 And I had a good briefing from Margo
20 and her team the other day about how that's going
21 and I want you to know that those issues do have
22 the attention of HMS team and NMFS leadership.
23 We need to make this work collectively. So we
24 want to hear about the blips but we want this to
25 be a success.

26 One of the other big issues that is
27 out there because -- partly because the public is
28 very interested is the management of our domestic
29 shark fisheries. It's great that the public is
30 now more engaged in sharks and shark resources
31 but, you know, they don't necessarily, a lot of
32 individual -- a lot of general -- there's a lot
33 of general interest without the kind of knowledge
34 of the nuances of what's going on in fisheries.
35 And so we need to continue to both work through
36 the management challenges and the communication
37 challenges that surround the different measures
38 that we have to manage different shark species.

39 So I know that we just implemented
40 Amendment 6 and that we're continuing to work on
41 two other shark amendments for smoothhounds and
42 dusky sharks so we'll be following that. And I
43 know that is a challenge, I appreciate your input
44 in helping us work through that.

45 I do want to just spend a couple of
46 minutes, and I'm not going to take up too much
47 more of your time, but I want to let you know
48 that just a few national efforts that are in

1 front of us at NOAA Fisheries so that you are
2 aware of them. And to the extent that it does
3 affect you that you have an opportunity to have
4 input. And some of these are going to be
5 discussed at a bit more length on your agenda and
6 some not so much. So I'm just going to run
7 through a short list.

8 The first is that we just recently
9 within the last couple of weeks issued a NOAA
10 Fisheries National Claimant Strategy. This
11 strategy is a proactive approach to addressing
12 climate change in fisheries and it identifies
13 seven objectives that we need to pursue to get
14 the information we need to reduce the impacts of
15 climate change on fisheries and to increase
16 resilience of our fisheries. So we are trying to
17 look forward with our science agenda to arm
18 ourselves with the scientific information on
19 climate change that we need to effectively manage
20 fisheries into the future.

21 I think one of the important messages
22 I want to get out to you all is that there will
23 be a step-down in every region, we'll be putting
24 together a regional implementation, stepping down
25 from this national effort. So the national plan
26 is -- you know, it's at the national level. I
27 think there is a great opportunity for you to key
28 into and give input into what our more specific
29 science strategies and needs will be at the
30 regional level. And this is the kind of document
31 that's going to inform our priorities, our
32 implementation, our ability to explain what we
33 need whether it's to our Congressional oversight
34 committees or appropriations committees. This
35 will feed into how we build our budgets in the
36 out years based on the science agendas and
37 priorities that are reflected in these kinds of
38 documents. So I really hope that you all will
39 take a look and provide us with your input.

40 One of the things that I think John
41 Henderschedt is going to talk to you about is the
42 IUU and Seafood Fraud Task Force and where we are
43 on those activities. A year ago last spring the
44 President directed the formulation of a national
45 task force on IUU and seafood safety. And then
46 last December we had -- came up with an actual --
47 with the objectives of that task force. And in
48 February or March we announced the implementation

1 plan.

2 There are some incredibly aggressive
3 milestones in that plan. There are a number of
4 rulemakings including one that has to do with
5 traceability of fishery products, imports coming
6 into the United States. And the traceability
7 system that we're going to -- we've been directed
8 to implement will deal with product from the time
9 of catch to point of entry into commerce into the
10 United States, so point of import for imported
11 product.

12 There are a lot of very specific
13 milestones having to do with -- there are 13
14 overall objectives in the task force report, the
15 traceability program that we've been directed to
16 implement is part of two of those objectives.
17 The timelines are to get to essentially full
18 implementation of the task force recommendations
19 by the end of this administration. So there are
20 a ton of interim milestones and they all have
21 2015 and 2016 written into them. We are going to
22 be doing a number of rules with really
23 abbreviated timelines and I'm just here to tell
24 you as your professor on this, no incompletes, no
25 extensions. We have been getting a very clear
26 message that we will work through these, all of
27 these measures in the timeframe that we've been
28 given in this presidential directive.

29 So what we really want to do, and this
30 is I think part of what John is going to talk to
31 you about, is make sure that we kind of focus you
32 on the parts of that report that you might be
33 most interested in, try to make it as accessible
34 as possible. Really urge people to get their
35 input in, make sure that they know what the
36 deadlines are because this isn't going to -- you
37 know, there are some rulemakings where we take
38 our time and some would say more than our -- the
39 time that we need, but this is not going to be
40 one of them.

41 Another national plan that came out
42 and is going to be stepped down to the regions is
43 the National Recreational Fishing Implementation
44 Plan. And I think Russ Dunn is going to come
45 talk to you guys later this afternoon. Russ is
46 back there, so I won't go into too much detail.
47 But this is another one where we do have our --
48 we have our national policy and then -- that we

1 rolled out in February after getting a lot of
2 public input.

3 And then 60 days later we rolled out
4 a national implementation plan and now we're
5 going to be going through the process of making
6 sure that every single fisheries region has its
7 own implementation plan. So this is another one
8 where we are genuinely seeking public input, that
9 we did significantly modify our draft policy
10 based on public input and then didn't get input
11 on the national plan. We did the national plan
12 more internally. This piece, this regional piece
13 is where we're really going to be looking for
14 input because it is going to be so tailored to the
15 interests and concerns of particular regions.

16 And I will just note that this sounds
17 like lots of strategies and implementation plans,
18 and that is the case. But I think that we are
19 trying to be a bit more disciplined at fisheries.
20 We know that we have a lot of, and an ever-
21 growing list of things that we must do and we
22 only have a certain amount of resources. We are
23 really trying to be disciplined about
24 prioritizing our science needs to make sure that
25 they feed into our management needs and that we -
26 - whatever some of the substantive issue areas of
27 our mission, that those are taken to heart. You
28 know, that Russ Dunn isn't just putting together
29 rec fishing policy that he and his very small rec
30 fishing team is responsible for implementing. If
31 it's a priority then it's going to be a priority
32 for everybody in Fisheries and it's going to
33 become part of our strategic planning, our budget
34 initiatives and so forth.

35 So you will hear at various times, you
36 know, we're doing some strategic reviews of our
37 science programs, of our habitat programs, of a
38 lot of our large program areas to make sure that
39 we have a sense of what our national and regional
40 priorities are and that we're getting input from
41 others. And then we will be trying to be
42 disciplined about engaging in our priority areas
43 first as we march through our obligations and our
44 resources.

45 The last thing I want to mention is,
46 hopefully some of you saw this and if you haven't
47 we can make sure that you get it. That there
48 will be a Town Hall meeting in Providence, Rhode

1 Island next week on September 15th to talk about
2 the possibility of permanent conservation
3 protections of certain areas offshore New
4 England. So we are going to be inviting public
5 comment. That will be hosted by NOAA, not just
6 NOAA Fisheries but NOAA overall. And there is an
7 email -- we know that not everybody can come to
8 an in-person meeting in a particular time and a
9 particular place. There is an email where you
10 can submit comments.

11 There have been a lot of discussions
12 by conservation groups and others about creating
13 some sort of protected area. And canyons and
14 seamounts are in some of the specific features
15 that they are looking to the federal government
16 to possibly protect. So we are interested in
17 hearing your views on that. Generally these
18 kinds of areas are open for discussion about what
19 should be included, what kind of activities,
20 either current or future, should be allowed to
21 continue or prohibited, including oil and gas
22 development, including other activities.
23 Including the kind of activities that people in
24 this room pursue.

25 So if you -- I don't know if we've
26 provided folks with that notice, if we can --
27 have they --

28 MS. SCHULZE-HAUGEN: I sent it to
29 them last Friday.

30 MS. SOBECK: Okay. So Margo sent it
31 to everybody last Friday hoping that you guys --
32 that some people will participate in person. And
33 if not, we really encourage you to forward your
34 views to the email address.

35 And with that, I will stop.

36 MS. LEA: All right. I believe I see
37 a few new cards up but I'm not sure if those --
38 those are from before? Okay. Scott, from
39 before?

40 Okay. I'm seeing Rusty and Rich.
41 Okay, Rusty?

42 MEMBER HUDSON: Thank you. Rusty
43 Hudson, Director of Sustainable Fisheries. Nice
44 to see you again, Eileen.

45 In the Southeast Fishery Science
46 Center we have our analysts that do our stock
47 assessments. I participate a lot in the SEDAR
48 process both for HMS sharks as well as the

1 Council, South Atlantic Council region and Gulf
2 Council region.

3 We've lost some analysts. Recent --
4 we have lost some analysts in the Southeast
5 Science Center and it takes a year and a half to
6 be able to get somebody from a journeyman stage
7 to the stage where they can actually be let loose
8 on doing either an update or full benchmark stock
9 assessment. We only have two analysts out of the
10 Panama City Lab that are able to handle our
11 sharks. As you know we have multiple species of
12 sharks that had never been assessed yet to date.

13 We also have some very important
14 species of sharks that need to be assessed sooner
15 than later. And if you saw the news release
16 yesterday with regards to the independent survey
17 you can see that we are seeing an upward climb in
18 stocks of shark.

19 What I'm going to ask is that,
20 recently Bonnie was able to hire on a --
21 (momentarily off-mic) -- basis an analyst to be
22 able to handle our golden tile update for the
23 South Atlantic Council. We need somebody in the
24 same role for shark, another person to assist
25 Enrique and Dean down at Panama City so that we
26 can do another two or three updates and/or full
27 benchmarks between now and say 2018.

28 So that would be very useful because
29 ICCAT has now taken -- there's some of that time
30 has been taken away for full benchmarks with
31 ICCAT so we're only able to do two updates over
32 the next two years. And we have an open slot in
33 2018 for a full benchmark, which we need sandbar
34 shark bad because that population is exploding in
35 a positive way.

36 So that's really my take-home message.
37 If we're able to do something even on a temporary
38 basis of bringing in somebody with that
39 analytical ability, whether they were former NMFS
40 or whatever, that would be a incredible step
41 forward. And it would make a lot of people in
42 the industry, both recreational and commercial, a
43 lot happier about the shark situation.

44 Thank you.

45 MS. SOBECK: I don't have the facts so
46 I won't make promises. I do trust Bonnie to know
47 the financial situation of her center and the
48 options that she has in her toolbox. It is a

1 frustration that we all have here in the federal
2 -- in the NOAA family, that it's -- and I'm not
3 sure about saying this because our administrator
4 has said it and our secretary has said it. You
5 know, we have a human resources system that is
6 really more broken than your average federal
7 agency. We don't have enough people to move
8 anyone through the system in a reasonable rate.
9 And there are only a certain number of work-
10 arrounds for that. And we try to be as creative
11 as we can, we try to use temporary hires and
12 contract work and sometimes we can and sometimes
13 we can't.

14 So what I can promise to do is talk to
15 Bonnie about it, see what her options are.

16 MS. LEA: Thanks, Rusty. Rich?

17 MEMBER RUAIS: Thank you.

18 Hi, Eileen, it's good to see you
19 again, even if it's only once every year or twice
20 every year. But I have to take this opportunity
21 to say thank you to you. And I know the comments
22 that you made about seeking our advice and taking
23 our advice seriously are meaningful and they're
24 real. We wrote to you in the winter asking you
25 for help on a problem we were having with the New
26 York City Council proposing a ban on sale on
27 bluefin tuna because they were being misled by an
28 environmental group that didn't want to believe
29 the last stock assessment and the press releases
30 that your office put out.

31 And the subsequent help you gave us in
32 changing Fish Watch, updating Fish Watch, which
33 is very important because a lot of groups use
34 that for, you know, the one reliable source of
35 sustainability of the -- and status of the
36 resource compared to the other commercial
37 operations that are ongoing. So I wanted to say
38 thanks a lot for that.

39 And also in terms of Amendment Number
40 7, earlier today I did give praise, American
41 Bluefin Tuna Association's praise -- we represent
42 the hand gear, the harpoon and the rod and reel
43 fishermen -- of the relative smoothness of how
44 implementation has gone. But we've hit one of
45 those bumps in the road that we're going to be
46 looking for -- to work with the agency again.

47 And again, it's this -- our bump is
48 one that is not all the agency's issue, it's also

1 related to the industry. And that's that the
2 amendment has changed the process, the two user
3 groups now conflict in time where they didn't
4 before, the purse seine group and the rod and
5 reel and harpoon group. And there are various
6 kinds of solutions that we need to explore
7 because until marketing efforts work, which is
8 another place where we need the agency's help,
9 we're not going to solve that problem.

10 So we look forward to working with you
11 on that. There's a lot of -- from 30 or 40 years
12 of bad press about bluefin tuna and the status of
13 bluefin tuna, it's a high hurdle to get over to
14 the main seafood buying population and consuming
15 population, that the stock is sustainable. And
16 because of the efforts of NOAA and NMFS on things
17 like IUU and also pressuring ICCAT to do the
18 right thing in the East Atlantic and further cuts
19 in the West Atlantic, we've gotten to a place
20 where quotas are increasing. And now what we
21 need is we need our market back. We lost our
22 market over that period of time from all the bad
23 press that we basically got from it.

24 So in any case, that's a long-winded
25 way of saying I hope to be knocking on your door
26 this winter asking for some help to do some
27 marketing work and to fix the problem that we
28 have. Thank you.

29 MS. SOBECK: Thank you for those
30 comments and observations. And you know, this
31 isn't a perfect -- this isn't a perfect agency,
32 we make some mistakes and there are going to be
33 some times when we disagree, even if we don't
34 think we're -- we don't think we're wrong, we
35 know that you won't think that you're wrong,
36 either. And that's okay.

37 I do think that -- and I don't -- I
38 haven't thought this through to have a great
39 example for you guys, although you raised a
40 couple. I think that overall as a fisheries
41 management agency and you all as, you know, our
42 regulated partners, I don't think we've done a
43 particularly good job over the last few years of
44 explaining both to the public, to conservation
45 groups, to folks on the Hill -- I hate to keep
46 returning to those guys but, you know, they are
47 really important in all of our lives. The areas
48 where we have been successful and have the

1 success is attributed both to the -- you know,
2 to a certain extent to the management strategies
3 that we've had to implement. But the fact that
4 those strategies have been developed
5 cooperatively and the pain of those programs have
6 been borne by the industry but the result has
7 been success.

8 And when we look at the status of
9 stocks overall and how they've -- you know, all
10 of the stocks in the U.S. subject to domestic
11 fishing and how overall there's been such a huge
12 improvement, there's still problem areas, we
13 still have problems to solve. But we haven't
14 really kind of told that success story so that we
15 can go to all these folks and say, hey, we are
16 actually pretty good as a team both, you know,
17 industry and the agency, in solving a lot of
18 these problems. Of getting us to sustainable
19 levels and getting the scientific tools to get us
20 there. So let us continue to work on these
21 problem areas and give us some tools to do that
22 and some resources to do that.

23 And I think that it's -- you know,
24 it's human nature to focus on the problems and to
25 be at each other on the -- at the places we
26 disagree. But if we don't actually work -- don't
27 take common credit for our successes we undermine
28 our ability to move forward, I think.

29 And it did come to my attention, we
30 had a -- completely off-topic from this group but
31 we did have a field trip to one of our habitat
32 focus areas here in the Choptank River in
33 Maryland and we thought, this is a good
34 opportunity to get some of our Congressional
35 staffers and folks from CEQ and other places in
36 the administration to come and see some of our
37 successful partnership projects. It's just an --
38 you know, hour ride away. Really great
39 cooperative effort. And we had folks from the
40 State of Maryland and University of Maryland and
41 all of our other federal partners and a lot of
42 local folks. And one of the new staffers on our
43 appropriations committee who's from -- she's from
44 the state of New Mexico so her ocean experience
45 is not broad. She just basically said, wow, this
46 is a love fest. I didn't know that the states
47 liked NOAA. I thought they all hated you.

48 And you know, I just thought, that is

1 just really sad because, you know, in her world,
2 the only -- her short tenure, the only exposure
3 she'd had to NOAA's state relationships could be
4 summarized in two words, "red snapper." And you
5 know, that's an important, you know, issue that
6 we haven't come to a good point on with the
7 states.

8 On the other hand, we have many, many,
9 many successful partnerships out there and we
10 just need to remember that not everybody is aware
11 of that. So that was a long-winded way of saying
12 "thank you."

13 MS. LEA: All right. So we have just
14 a couple minutes left. So Scott and then Terri.

15 MEMBER TAYLOR: So while we're on the
16 subject of success I'd kind of like to talk about
17 that, you know, a little bit. Because that
18 success to us ultimately as it applies to HMS
19 means that we can see it from a use standpoint
20 regardless of what the user group is. So I don't
21 want to simply just speak for the commercial side
22 but also from the recreational and any of the
23 other various user groups.

24 You know, we find ourselves in a time
25 where the resources not only for the agency but
26 certainly for the industry are very limited, not
27 necessarily the case with a lot of the NGO
28 community that repeatedly, you know, throws
29 challenges out on whether or not it be a specific
30 habitat or specific species of concern. And that
31 one of the things that greatly concerns us, and I
32 operate a pelagic longline fleet of boats, is
33 that we have a real way to quantify when we're
34 seeing success. And that because of the fact
35 that the science is so expensive and that it is
36 limited, and particularly when you're dealing
37 with the Pelagic species in general where we're
38 dealing with offshore boats that are out for a
39 substantial period of time and huge costs of
40 observers and the data and being able to analyze
41 the data becomes all that much more problematic.

42 So my question is kind of a general
43 overview question. That as we recognize issues
44 and things that need to be modified and changed,
45 the process, like most things in government don't
46 happen -- don't tend to happen very quickly and
47 very convoluted and follow a process. Is there
48 anything that you can specifically speak to that

1 -- one, that potentially can streamline that
2 process so that the people that need the relief,
3 that have made the sacrifices as you put it so
4 eloquently, ultimately receive that relief?
5 Because it may be one thing to be able to
6 communicate that to the public in general, that
7 you're having these successes in recruitment and
8 in stock, whether it not that it be sandbar
9 sharks or any of these other various species.
10 The effective result is that you've got a
11 shrinking commercial community that are dealing
12 with a lot of pain for these issues and quite
13 frankly are not terribly optimistic of any short-
14 term relief.

15 So kind of an agency maybe overview of
16 how we translate some of that success into
17 meaningful application in the real world?

18 MS. SOBECK: Yeah, that's a tough one.
19 I mean, I guess we're trying -- I think in some
20 ways we do a better job than a lot of agencies
21 partly because we've all been working together on
22 this so long of, you know, we have a process of,
23 you know, taking for instance the stock
24 assessment process. You know, we have schedules,
25 people know, they can get in line, they --
26 there's all these opportunities for input and
27 participation in terms of data and monitoring and
28 all that kind of stuff. I mean, we have been
29 trying to do some agency-wide and region-by-
30 region evaluation of are we putting our limited
31 resources in the right places? Should we be
32 doing more surveys or stock assessments in one
33 place and fewer in another place? Or can we do
34 updates versus benchmarks?

35 And we're trying to be more
36 streamlined and efficient and do -- you know,
37 take into account the relevant factors of, you
38 know, are a lot of people depending on this
39 assessment? Is it a high value stock? Is it a
40 long-lived stock? We're trying to figure out
41 what's the right mix, how do we -- you know,
42 we've got -- we're talking about a lot of
43 partners, a lot of user groups, a lot of stocks,
44 a lot of regions. How do we spread it around in
45 the right way?

46 I do think that one of the, you know,
47 rewards or punishment for getting a number of
48 stocks to being not overfished or subject to

1 overfishing is, then it's like we have to look
2 for the other factors that are impacting stocks.
3 Where are they? Why are they increasing or not
4 increasing? You know, is it climate change, is
5 it something, some other human -- (momentarily
6 off-mic).

7 We're trying. We -- you know, there
8 is always a lag time and there's a long line.
9 And there are a lot of competing voices for
10 resources. So I think we are trying to be as
11 efficient as possible, we are trying to be more
12 transparent. I know that sometimes being more
13 transparent just means dumping more information
14 on people which, you know, there's that volume
15 control, and I'm not talking about this.

16 Each of our science centers is
17 developing a strategic plan that is subject to
18 revision and ultimately we want to get our
19 science side and our management side getting
20 their strategic priorities lined up so that
21 people know what's in the queue and what we're
22 going to be doing when. And what we consider our
23 highest priorities and can have input on that and
24 try to convince us to move things around. But
25 you know, the federal government is not the most
26 nimble player in the world.

27 And one of the problems is that once
28 -- you know, trying to be reactive gets everybody
29 else into the mode of trying to get us to react.
30 So --

31 MS. LEA: I'm sorry --

32 MEMBER TAYLOR: Just one quick
33 question.

34 MS. LEA: All right, one quick one.

35 MEMBER TAYLOR: So I guess that,
36 because maybe I wasn't quite as direct as what I
37 wanted to be, that what I guess I'm saying is
38 there's -- where there had been takeaways,
39 specifically. And we've seen stocks through the
40 science catch up to where they appear to be
41 recovered. That to my specific knowledge as it
42 applies to HMS -- and that's what we're here for
43 -- I don't know of any give-back that has ever
44 really taken place and whether or not that there
45 even is a mechanism in place for that give-back.
46 And those of us that have sacrificed for that
47 would kind of like to know what that tangibly
48 looks like. Because it hasn't -- you know, all

1 of the user group in this room.

2 MS. SOBECK: Okay. Well, I don't have
3 a specific answer. I will say that I think that
4 the give-back is all the sacrifices to get us all
5 to a place where, with a sustainably managed
6 fishery, people can continue to fish. And so
7 there is that overall benefit of not being shut
8 down. We have had some in some fisheries, and
9 I'm not sure if it's in an HMS context, where we
10 do have those kinds of discussions about is it
11 time now to open or close open and closed areas,
12 or what have you.

13 And I think that it's a hard question
14 and the question is when and whether you're going
15 to -- whether that results in backsliding that
16 will negate our successes or not. I think it's a
17 legitimate question. We do try to look at it,
18 you know, its -- I think it's a legitimate
19 question to ask. I can't give you a specific of
20 where we can, should, will do that. But I think
21 it's a legitimate concern.

22 MS. LEA: All right, thank you. Terri
23 and then Rick, hopefully briefly because we're
24 getting into the shark time.

25 MEMBER BEIDEMAN: Hi there. It's nice
26 to see you again and thanks for coming and
27 describing the big picture. Because when we sit
28 here, we're kind of looking, focusing in on the
29 smaller picture.

30 And you know, you mentioned the
31 economic value of the fisheries and I personally
32 would like to see a lot more emphasis on also
33 commercially examining the value, the outflow,
34 the tackle dealers, the whole deal, not just X
35 vessel value which is where we wind up usually
36 just -- and that's like the least common
37 denominator. But especially I'm very pleased to
38 see in a presentation earlier today that they are
39 looking to compare U.S. fisheries to FAO
40 standards for sustainability. And I think that -
41 - you know, we win that hands-down, there's no
42 question. But you know, to actually go through
43 the exercise of doing that I think will be
44 helpful.

45 As Rich mentioned, the information
46 that -- you know, that's factual that's out
47 there, they're trying to dispel some of the
48 erroneous information that some groups like to

1 perpetuate for their own reasons. And that we
2 appreciate, you know, the help that the agency
3 gives us in trying. Because we really are
4 shrinking by astronomical -- I mean, even more
5 than we even thought, you know, as we discovered
6 that.

7 And you know, as Scott was alluding
8 to, that give-back, you know, like over the years
9 we have done a lot of things in this,
10 particularly in the longline fishery, to try to
11 minimize bycatch and in all different species,
12 varied species. And you know, how do we measure
13 success? Where is enough enough? You know, are
14 we going to be able to? Because our concern is
15 the big picture's great but if we can't make it
16 through next year it won't matter to us.

17 MS. SOBECK: Yeah.

18 MEMBER BEIDEMAN: So I appreciate
19 again, I know the fact that you are paying
20 attention to it gives me some comfort that
21 there's people, you know, beyond Margo and I know
22 Margo cares. But you know, it's a big
23 bureaucracy above that and we're kind of the
24 little people. So I just -- you know, I want to
25 thank you for coming and raise those points that
26 our concern really is, it's grand to make plans
27 for what's going to happen five, ten years from
28 now. But if we can't make it through this season
29 -- so thank you again.

30 MS. SOBECK: I do appreciate that.
31 And I don't want to make it sound like the big
32 picture being more positive than not is -- should
33 make you feel better if, you know, if your
34 fishery or your business is -- you know, is
35 hanging on from year to year. But I do think it
36 is important to paint the picture that it is
37 possible to have sustainable fisheries and that,
38 in fact, most fisheries are responsibly and
39 sustainably managed. And sometimes it's going to
40 take a little bit longer for a fishery to bounce
41 back but there should be confidence in the tools
42 that we're applying.

43 And I think that if you -- you know,
44 if your perspective is the National Fishery
45 Service and commercial fishermen are all a bunch
46 of, you know, don't care about the status of the
47 stocks and don't follow the law so why should we
48 take their word about this particular fishery,

1 that's a different perspective than hey, you know
2 what, NMFS working with its statutory and
3 regulatory tools and working with its industry
4 partners, has made tremendous strides. And
5 there's still some trouble spots but we really
6 owe it to those people in the places where
7 there's still problems to figure out, you know,
8 get the science right and figure out what we can
9 do to help.

10 And I think that -- again, maybe this
11 is a dangerous example but, you know, John
12 Bullard, when I first started this job, our
13 Regional Administrator in New England, who has a
14 way with words and a turn of phrase that I
15 certainly don't. But he basically said, look, if
16 you came down from Mars and you heard all the --
17 you heard about all the problems with New England
18 fisheries you would think that -- about New
19 England ground fish, you would think that there
20 was not a working fisherman left in all of New
21 England.

22 But if you look at this list of
23 landing values and you look at the top, you know,
24 ten: scallops 200 million, lobster 200 million,
25 aquaculture products, whatever it is, 120
26 million. You know, that there -- that the
27 picture would be different. The picture would be
28 most New England fisheries have really sprung
29 back and are really vibrant and there is a really
30 vital, profitable fishing industry in New
31 England. It looks different than fishing
32 industry in New England has looked -- you know,
33 looked 30 years, 40 years, 100 years ago. And if
34 you are a New England ground fisherperson, you
35 are in deep doo-doo and the news isn't good.

36 But you start from a different place
37 and from a different state of mind and confidence
38 in the players, depending on which of those
39 perspectives you take. So I take your point and
40 I want to keep working with Margo and her team to
41 understand your specific issues and how we can
42 help you.

43 MS. LEA: Thank you. Rick and I saw
44 Anna put a card -- is it relatively like quick?
45 Okay.

46 MEMBER BELLAVANCE: I can be quick.
47 Thanks, I appreciate you taking the
48 time, Ms. Sobeck, to come and talk to us. And I

1 know everybody here listens to everything you say
2 and we all find value in that.

3 I was -- my interest was sparked in
4 your comments regarding the Town Hall Meeting in
5 Providence coming up. And I admit I did get
6 Margo's email and I kind of went, oh, another
7 meeting, cool, and just breezed through it. But
8 since you took the time to comment on it here it
9 resparked my interest a little bit. I reread the
10 email and I guess I just find it a little short
11 on material to maybe read ahead of time. I'm not
12 -- I don't understand the full point of the
13 meeting. Is it just a scoping meeting where
14 they're looking for some information? Or is
15 there some material we can read ahead of time to
16 kind of get an idea of what to comment on when we
17 go to this meeting? You know, if you or your
18 staff have any information, I'd appreciate
19 getting forwarded on it.

20 MS. SOBECK: There is no read-ahead
21 meeting, there is no specific read-ahead
22 material. There are no other documents, there's
23 no other government sponsored material. And I
24 know that's very vague and not necessarily
25 helpful. I think that it's pretty well known up
26 in New England that a lot of the conservation
27 groups are very interested in protecting certain
28 areas. And so I think if you -- there was a
29 meeting last week at the New England Aquarium
30 where some of their proposals were discussed.
31 And I think if you could use that, not as a
32 statement of what specifically the government is
33 thinking about but the kinds of ideas that are
34 floating around and, you know, that that would be
35 helpful in formulating your comments.

36 MS. LEA: Thank you. Finally, Anna?

37 MEMBER BECKWITH: Thanks. I just
38 wanted to share a quick perspective from the
39 South Atlantic Council because you guys were
40 discussing the stock assessments.

41 One of the biggest PR problems that we
42 have, and the confidence issues in our stock
43 assessments is our region has a lot of data poor
44 species. And when we take some of those data
45 poor species through the stock assessment process
46 and, of course, the results come out grim because
47 we don't have data, we do end up having to close
48 down a lot of those species. And those fisheries

1 which sort of truncates the amount of data that
2 we might be able to collect to better the next
3 stock assessment. So that's been, you know, a
4 problem that we have.

5 And it is discouraging the councils
6 from wanting to take some of these unassessed
7 species through the assessment process. Because
8 any ACL levels that we may be able to put forth
9 using some of the alternative approaches rather
10 than the true SEDAR process are typically better
11 than anything that might come out of the actual
12 SEDAR process. So it is a struggle with the
13 confidence that our folks have in some of our
14 stock assessment processes.

15 MS. SOBECK: So I don't have any
16 solutions. I know that that's an issue that the
17 folks in our science centers have all been
18 struggling with. And that's a problem out in the
19 far Pacific, it's a problem in the Caribbean and
20 in the southeast. And you know, we're looking
21 for better methods to deal with data-poor stocks.
22 But we're also looking for -- you know, to do
23 prioritizations given what we have. And you
24 know, sometimes we're just probably not going to
25 get there given our current resources.

26 But this is a topic that comes up
27 frequently and, you know, we're aware of it. And
28 I know that it is getting particular attention in
29 the southeast. Whether we're going to get to the
30 place we all want to be at the pace we should,
31 always an open question. But thanks for your
32 concern.

33 MS. LEA: All right. Thank you so
34 much for being here and for taking the various
35 questions. And I'm going to ask, before we move
36 on to sharks, if the folks on the webinar could
37 please mute themselves because we can still hear
38 various beeping and other kinds of things. So if
39 you could please mute your phone that would be
40 really helpful. Thank you.

41 And right now we're going to move on
42 to an afternoon of sharks. So we're going to
43 start with Amendment 6 and then we'll move on to
44 discussing 9 and 5b.

45 MEMBER WHITAKER: Are we going to take
46 out those bluefin comments later on, the ones
47 that didn't get covered?

48 MS. LEA: Yes, those will be after --

1 we're kind of firm on the 4:30 public comment so
2 there's public questions at 4:30 'til 5:00. And
3 then from 5:00 'til 6:00 the bluefin and the reg
4 folks will subdivide and so all -- I still have
5 the queue for the bluefin comments from earlier
6 so we'll just go back to the queue. So wherever
7 you were in the queue you'll be back in the queue
8 at 5:00.

9 MEMBER WHITAKER: Okay.

10 MS. LEA: Okay?

11 MR. DUBECK: All right, hello
12 everybody. My name is Guy DuBeck and I'm here to
13 talk to you about two shark rules, since both of
14 them are kind of connected we're going to do one
15 giant presentation. And so first off I'm going
16 to talk about Amendment 6 and then afterwards I'm
17 going to talk about the proposed Shark Season
18 Rule.

19 So here's kind of a quick outline of
20 the presentation. So the purpose of Amendment 6
21 was to consider short-term flexible management
22 measures to kind of better address some of the
23 current issues facing the fishery. Some of those
24 fish -- as some of you know, some of those issues
25 are, you know, declining markets, exceeding
26 quotas, kind of a derby fishery conditions. So
27 the goal of the Amendment 6 was to kind of combat
28 some of those.

29 So here's the timeframe of Amendment
30 6. It started -- we started all the way back in
31 2010 with the Advanced Notice of Proposed
32 Rulemaking. We -- in that we -- potential -- we
33 discussed potential measures, solutions to change
34 in the quota structures, permit structure changes
35 and also potentially catch shares.

36 We held six public hearings. Out of
37 that we did a control date and a NOI and white
38 paper in 2011 on potentially implementing the
39 catch shares for the fishery. We had five public
40 hearings in different locations. Based on public
41 comment from those public hearings and from
42 everyone else we decided to change focus to more
43 short-term management measures like permit
44 stacking, sub-regional quotas and potentially
45 commercial sandbar fishery quota.

46 In the pre-draft in 2014 we -- there
47 was options for commercial sandbar fishery quota
48 which would potentially equal sandbar allocation

1 among the shark permit holders, either directed
2 permit holders, active or a combination of the
3 directed incidental. But based on comments from
4 the advisory panel that there was not enough
5 sandbar quota to go around HMS decided to not
6 move forward with this option in the proposed and
7 final measures. So then 2014 we also had the
8 bonnethead and sharpnose stock assessment and
9 then we had the proposed rule come out in the
10 beginning of 2015. And then the final measures
11 of Amendment 6 came out August 18th of this past
12 year which is five years after we started.

13 So here's a summary of the measures
14 that are in the Amendment 6. So the first one,
15 permit stacking. So permit stacking is the idea
16 of stacking multiple permits onto one vessel to
17 get multiple trip limits. As you see here, the
18 draft and final measures were the same where we
19 got overall support to not implement permit
20 stacking for the shark fishery.

21 For the commercial shark retention
22 limit, in the draft we proposed increasing the
23 retention limit to 55 large coastals, other than
24 sandbar sharks per trip, and then adjust the
25 shark research fishery to about 75 metric tons.
26 In the final measures -- and the final changes
27 are going to be underlined for the rest of the
28 presentation. On the final measures were to, you
29 know, implement a max of 55, to reduce the shark
30 research fishery to about 90 metric tons but also
31 to set a default limit for the large coastal
32 retention limit for directed permit holders at 45
33 large coastal sharks.

34 So the kind of the reasons for the
35 change was there was, you know, overall support
36 to increase the shark retention limit but there
37 was concerns that the 55 would be too much since
38 the quotas weren't increasing. So we set a
39 range, so we go as high as 55 but we're going to
40 set the default at 45. And then also re-
41 evaluated the shark research quota calculations
42 and decided not to take as much away from the
43 research fishery for potential dead discards of
44 sandbar sharks while targeting the large coastal
45 sharks in the commercial fishery.

46 Moving on to the Atlantic sub-regional
47 quota, so in the draft we proposed to pretty much
48 split the large coastal and small coastal

1 management groups along the 34 degree latitude
2 line. To remove the linkage of the small coastal
3 fishery in the North Atlantic and also -- but
4 also keep it in the South Atlantic. We proposed
5 to establish a small coastal quota of 176 metric
6 tons which was the current quota at the time.
7 Here is a quick diagram of what was in the
8 proposed rule of what the aggregated large
9 coastal, the hammerhead, non-sandbar, small
10 coastal and the blacknose shark quotas would have
11 been for the sub-regions.

12 But in the final EA we created a new
13 Alternative C8 which was to not implement sub-
14 regional quotas in the Atlantic but establish a
15 management boundary for the small coastal fishery
16 along the 34 degree latitude line. We did
17 maintain the quota linkage for small coastal
18 south of 34 degree but we prohibited the harvest
19 of -- and removed the linkage for the small
20 coastal fishery of the harvest of blacknose
21 sharks north of 34 degrees. And then also we
22 changed the preferred -- the final alternative
23 for the small coastal side to increase it to C7
24 which was 264 metric tons which was the adjusted
25 base quota for the fishery before -- a couple
26 years ago.

27 And here are the kind of the diagram
28 of the final measures of the Atlantic region
29 where the new boundary line for small coastal
30 fishery at 34 degrees and the changes in the
31 north and the south.

32 So some of the reasons for the change,
33 we found that data that the bonnethead sharks
34 only represented, you know, six percent of the
35 total small coastal landings and therefore
36 limiting the quota based on bonnethead sharks
37 which, you know, came back as unknown would be
38 overly conservative. Then we had overall
39 comments opposing to the large coastal and small
40 coastal regional splits but there was, you know,
41 definitely support to remove the blacknose and
42 non-blacknose small coastal linkage in the North
43 Atlantic.

44 And then also based on public comment
45 we received to potentially look at doing kind of
46 seasons. We received a lot of comments about
47 potentially implementing seasons again for the
48 large coastal fishery. But I'll go into more

1 detail later when we talk about season rule and
2 we're going to look at doing inseason trip limit
3 adjustments.

4 So moving on to the Gulf, so in the
5 proposed rule and the draft EA we preferred
6 Alternative D4 which was to create regional
7 quotas for the aggregated large coastal blacktip
8 and hammerhead shark management group along the
9 89 degree latitude. And then we're -- because of
10 the -- at the time the announcements of the
11 hammerheads we were thinking of prohibiting
12 hammerhead sharks in the western Gulf. And then
13 also we had Alternative D6 which would be to --
14 which was for the small coastal quota in the
15 Gulf, would be to increase the quota to 64 metric
16 tons which was the adjusted annual amount.

17 So here's a picture of what was
18 proposed in the Gulf of Mexico region with the
19 different quotas and the percentages breakdown of
20 -- and where the line was at 89 degrees.

21 In the final EA we decided to change
22 the preferred alternative to D3 which is -- it
23 will still split the aggregated large coastal and
24 the blacktip hammerhead shark management groups.
25 But instead of along the 89 latitude we decided
26 to go along the 88 degree latitude which would be
27 splitting the state of Alabama. And then we also
28 decided to increase the -- excuse me, create a
29 new Alternative D8 for the non-blacknose small
30 coastal and increase the commercial quota to 112
31 metric tons. But also prohibit the retention of
32 blacknose sharks from the Gulf.

33 And here's a diagram of the split with
34 the regional quotas. I apologize the percentage
35 is not on there. They did slightly change. We -
36 - as you can see, we decided to give -- to split
37 the hammerhead quota differently and there was
38 actually close to 50/50 split in the hammerhead
39 quota.

40 So we received, you know, a lot of
41 support to increase the non-blacknose small
42 coastal quota and based on the stock assessment
43 which supported that increase. But then we also
44 received, you know, general support for sub-
45 regional quotas. But some commenters requested -
46 - you know, felt that the 88, 89 degree line or
47 state line would be better. Commenters, you
48 know, felt that the 88 degree latitude line --

1 excuse me, the 88 degree latitude line was a more
2 appropriate between sub-regions as it would
3 provide a better geographic separation between
4 the major stakeholders in the Gulf of Mexico.

5 And as I mentioned, we updated, used
6 updated data for the hammerhead shark sub-
7 regional quota percentages that more represent
8 the current landings patterns based on public
9 comment.

10 So the last one, alternative in
11 Amendment 6 was the commercial vessel upgrade
12 restriction. So what we -- what was in the draft
13 and in the final is what we went forward with,
14 was to remove the upgrade restriction. And again
15 we, you know, received overall support for this
16 measure.

17 So here's a quick summary of Amendment
18 6. I kind of went through it fast but here's
19 kind of the big bullet points. So in Atlantic
20 the major boundary along the 34 degree line for
21 the small coastal fishery. We've prohibited
22 blacknose north of 34 degrees. We increased the
23 commercial quota for non-blacknose small coastal
24 to then there is no sub-regional quotas. And
25 then, you know, when the final rule was published
26 on August 18th these measures came in effect and
27 the non-blacknose small coastal fishery north of
28 34 degrees reopened.

29 In the Gulf, the sub-regional split
30 along 88 degree latitude line for the large
31 coastal fisheries with some quota changes. The
32 blacknose sharks are prohibited in the Gulf of
33 Mexico. The non-blacknose small coastal quota
34 was increased. And again, like in the Atlantic,
35 the non-blacknose small coastal fishery reopened
36 on August 18th. Overall -- you know, the overall
37 for the entire fishery, the retention limit was
38 set as the default of 45 large coastal per trip
39 but we have that flexibility to increase to a max
40 of 55. And then we -- there is no upgrade
41 restriction for the shark limited access permit
42 holders.

43 So now kind of connected to Amendment
44 6 I'm going to talk about the proposed rule to
45 the Shark Season Rule for 2016. So based on the
46 new Amendment 6 management measures this proposed
47 rule reflects kind of the changes to the regional
48 and sub-regional quotas. Again, this published

1 at the same time on August 18th, as Amendment 6.
2 In the proposed rule we're proposing to open all
3 shark management groups on or about January 1st.
4 We're going to start the -- we're proposing to
5 start the 2016 season at 45 large coastal per
6 trip, large coastal sharks per trip. Again, we
7 could adjust the potential limit inseason as
8 needed.

9 We're proposing to increase the Gulf
10 of Mexico blacktip quota because of under-
11 harvest. We're going to decrease the Gulf of
12 Mexico non-blacknose small coastal quota due to
13 over-harvest. And then we're proposing to
14 decrease the Atlantic blacknose shark quota again
15 for over-harvest from 2015.

16 So the next two slides, I know it's
17 kind of hard to read. It just kind of breaks
18 down what the annual quotas would be, the
19 preliminary landings, how it's going to be
20 adjusted based on over and under-harvest. And
21 then what the proposed quotas are going to be and
22 the proposed opening date. And the slide here
23 has the Gulf of Mexico region and the next slide
24 has the Atlantic region. And then the research
25 fishery and the Pelagics on the bottom.

26 So in the proposed rule and as kind of
27 public comment we received on Amendment 6, a
28 decision was suggested, you know, of potentially
29 doing a January opening in the Atlantic for the
30 large coastal fishery and then changing the trip
31 limit inseason to, you know, make -- to spread
32 the quota year-round and provide more fishing
33 opportunities. So a potential example, which we
34 talk about in the rule, was to again open the
35 aggregated large coastal and hammerhead quota on
36 January 1st. Allow roughly roughly 30 percent of
37 the quota landed. And then once it reached that
38 point NMFS could reduce the retention limit
39 inseason to incidental levels which would be
40 three large coastal per trip, or to zero
41 depending on the harvest of large coastals. At
42 some point later in the year, you know, we would
43 -- we could increase the potential limit to the
44 default limit of 45 or increase it to 55. And
45 then we can play with the retention limit
46 inseason and see how fast the quota's going to
47 see if we can get the quota and the fishery stay
48 open the year-round.

1 Besides requesting public comments on
2 the other measures and proposed rule we are
3 specifically requesting comments on a proposed
4 three-year adjustment for the blacknose shark
5 quota in the Atlanta to account for over-harvest
6 of the blacknose sharks in 2015. So we're
7 proposing to spread it over three years to
8 reduced the impacts of blacknose sharks and the
9 non-blacknose small coastal south of 34 degrees
10 latitude. Due to the over-harvest from 2015 and
11 then again the additional one from 2012, which we
12 are spreading out over five years and we're still
13 in that timeframe, the quota would reduce by 1.5
14 metric tons in 2016. So the proposed quota in
15 2016 would be 15 metric tons.

16 If we accounted for the full harvest
17 of 2015 amount in 2016, in addition to the 2012
18 over-harvest reduction, the blacknose quota would
19 be adjusted to only 13.8 metric tons. So we're
20 requesting comments and thoughts on that
21 potential idea. So for the proposed rule the
22 comment period is open until September 17th and
23 here is kind of a list of the ways to submit
24 public comments. We'll be here having discussion
25 now, we'll be taking your comments, too. So open
26 floor to questions and comments.

27 MS. LEA: I see Rusty and then Anna.
28 Rusty?

29 MEMBER HUDSON: Thank you, Guy.

30 As we discussed before in my recent
31 comment on Amendment 6 I had suggested a
32 blacknose trip limit. And since it had not come
33 up early enough you could not take action on
34 that. The suggestion is to develop a new
35 amendment so that we can establish probably three
36 alternatives. Naturally the first alternative is
37 no action and then develop maybe two alternatives
38 after that in the new amendment for blacknose
39 trip limit for the Atlantic south of 34 degrees
40 north latitude.

41 Also a suggestion to update the non-
42 blacknose small coastals with a trip limit. And
43 naturally the first is no action, and then
44 develop a couple of alternatives, two or three,
45 for a trip limit. Right now there is no trip
46 limits on small coastals or blacknose. That's a
47 problem, especially with that 30,482 pounds
48 adjusted quota. And at 80 percent of that it

1 doesn't take long to catch it up using gill nets
2 or a lot of longline for them.

3 And I believe that you indicated that
4 we could do an environmental assessment rather
5 than a full EIS which would be useful because
6 that way we could potentially have a finer rule
7 by some point in 2016. And be able to -- whether
8 we could implement it by later 2016 or January
9 1st, 2017, that's an idea I'd like to see go
10 forward.

11 And the last thought, it looked like
12 besides having a full benchmark slot available in
13 2018, which of course should be sandbar shark,
14 the year also looks like you could accommodate an
15 update for the Atlantic blacknose which does have
16 a outcome determined with the over-
17 fish/overfishing, unlike the Gulf which is
18 unknown status. And I would assume that
19 eventually you'll have to do a full benchmark on
20 the blacknose in the Gulf.

21 So those are the thoughts that, coming
22 out of this, that I would suggest. And then as
23 far as for the season ahead, for September 17th,
24 what we were talking about, about whether we
25 divide the year in half of thirds or quarters and
26 then monitoring the natural percentage with a
27 little buffer. That gets you, you know, dealing
28 with the 80 percent of whatever each of those
29 minor periods are, that could help stretch out by
30 simply toggling between whatever the top directed
31 shark trip limit currently is, forty-five, and
32 then toggle down to the current incidental trip
33 limit of three. That way at last we're not
34 throwing everything away and we'll still have
35 some kind of data stream that might be useful in
36 the future on some of these large coastals.

37 So I just wanted to put that out
38 there. Thank you.

39 MS. LEA: All right. Anna?

40 MEMBER BECKWITH: My comments are on
41 a request that we received from one of our
42 managed fisheries in the South Atlantic. But
43 that's for fee retraction. So if there's
44 comments, if you'd like me to hold those comments
45 until folks actually comment on this or do you
46 want me to go ahead with it?

47 MS. LEA: Are there any other comments
48 or questions specifically on this? It looks like

1 David has a question or comment.

2 MEMBER STILLER: No, I'd just like to
3 -- I was thinking, everything Rusty said, I
4 couldn't put it better myself. Everything's --
5 that's all.

6 MS. LEA: And Jeff?

7 MEMBER ODIN: After reading the most
8 recent coastal apex predator survey, I was hoping
9 that would be distributed to the panel. And I
10 find it very informative and, you know, it
11 underscores, you know, the very fact what Rusty
12 just said about, you know, sandbars definitely
13 need to be on the next assessment. Absolutely.

14 And anyhow, has everybody, you know,
15 been made aware of the latest coastal assessment?
16 Has any -- nobody's seen the data? I'm just
17 curious to know from the panel. But most
18 everybody been given that information?

19 MS. LEA: We're actually going to
20 cover that a little later in 5B.

21 MEMBER STILLER: Okay. All right.

22 MS. LEA: Yeah. So --

23 MS. BREWSTER-GEISZ: And then also
24 just to note, if you're interested in talking
25 about your favorite species for the next stock
26 assessment we do have a presentation later about
27 that. So I would ask you to hold off on those
28 comments for now.

29 MS. LEA: All right. Any more
30 questions or anything on this Amendment 6? Anna?

31 MEMBER BECKWITH: Thanks.

32 The South Atlantic Council has
33 received a request from our Spanish Mackerel
34 Gillnet Fishermen to assist them in request a
35 bycatch allowance for non-blacknose small coastal
36 sharks once the blacknose quota has been reached.
37 The Council would feel comfortable with future
38 consideration of a small bycatch allowance in the
39 200 pound range.

40 The Spanish Mackerel Gillnet Fishery
41 is a mixed catch fishery with consistent catches
42 of non-blacknose species primarily made up of
43 sharpnose with some lesser amount of bonnetheads.
44 These are being discarded which is, of course,
45 considered wasteful by the fishermen when quota
46 is still available.

47 It has been explained to us by the
48 fishermen that when interactions with blacknose

1 do occur the fish typically break the mesh or
2 avoid entanglement altogether due to their large
3 size and due to the mesh size and the twine
4 strength. But when they are caught they are
5 mostly released alive. While the fishermen of
6 course can work to avoid sharks when interactions
7 do occur, some bycatch limit would be preferable
8 to regulatory dead discards while non-blacknose
9 quota is available.

10 The South Atlantic Council would like
11 HMS to consider the request by our fishermen and
12 we will be following up with a comment letter and
13 some additional information after our September
14 meeting. So I just wanted to go ahead and put
15 that on the record.

16 MS. LEA: Thank you very much.

17 All right. So Steve, will you be
18 going over Amendment 9 now?

19 (Off-mic comments.)

20 MS. LEA: Sorry, a couple technical
21 difficulties with the webinar so give us one
22 second.

23 (Brief pause.)

24 MS. LEA: All right. So Pete's going
25 to go ahead and give us the stock assessment,
26 Amendment 5B and then after that we'll move on to
27 Amendment 9.

28 Oh, sorry, Pat has a question or
29 comment.

30 MEMBER AUGUSTINE: Yeah, thank you.
31 I've been very quiet and patient because I've
32 been a bad guy and I thought maybe you'd eaten
33 all those cookies and you're all flying high so I
34 could talk.

35 Quick question. Rusty made an
36 extended suggestion, and I know, Margo, you and
37 Guy were both writing down a lot. I'm wondering
38 now, will his recommendation be presented to us
39 when we do our wrap-up as suggestions that were
40 made? And likewise with our recommendation from
41 the Southwest?

42 I guess my concern that there wasn't
43 -- I saw you all writing, Karyl I saw you
44 writing, and I -- there wasn't a response back.
45 So it was almost like, okay, we got the
46 information. So they'll be brought back later on
47 so we can either further discuss them or you will
48 take action, or they will be listed as some of

1 the suggestions that were made to this?

2 MS. SCHULZE-HAUGEN: So certainly, I
3 think we were all taking notes and we'll put the
4 suggestions that we've heard -- some of the ones,
5 I'm not exactly sure what you're talking about in
6 terms of Rusty comment. But things like we need
7 another stock assessment scientist for sharks -

8 MEMBER AUGUSTINE: Yes.

9 MS. SCHULZE-HAUGEN: -- isn't
10 something that is within my direct purview so
11 that would be something that we would relay to
12 the Southeast Fishery Science Center. I think
13 it's something that they're fairly well aware of
14 but we're happy and certainly will convey that
15 comment. But that may be why you didn't get an
16 immediate, oh yeah, we'll hire that person right
17 away, because there's a little bit more to it
18 than that.

19 MEMBER AUGUSTINE: Well, I wasn't
20 picking on you. I just wanted a response because
21 I know you were writing and Karyl was writing and
22 he was writing. But the comment from the
23 Southwest I thought was very important and I'm
24 not sure that would require an amendment or what.
25 But it was, I thought, an important issue. So
26 thank you for the clarification, Margo.

27 MS. BREWSTER-GEISZ: So both of those
28 proposals we kept notes on, they -- we will put
29 at least a summary of them in the wrap-up slides.

30 MS. LEA: Great. Thank you very much,
31 Pat.

32 And right now we'll move on to Pete.
33 Go ahead.

34 MR. COOPER: I'm a go?

35 MS. LEA: Yeah, you're a go.

36 MR. COOPER: All right. Hi,
37 everybody, I'm Peter Cooper. I work here in
38 headquarters HMS. I'm going to give you an
39 update on Amendment 5B today and I'm going to
40 move fast through this presentation. I've got a
41 lot of information for you all. So -- but you
42 all have it, you can reference back. There's a
43 bunch of numbers and stuff that I will move
44 quickly through. But I'm going to do a recap of
45 where we're at.

46 And we have some new analysis that
47 we've been working on and some stuff that we
48 haven't presented to the panel before. And then

1 I'm going to go into some potential proposed rule
2 alternatives that we've pulled together for
3 Amendment 5B.

4 And if you recall, this kind of all
5 goes back to the SEDAR 21 stock assessment for
6 dusky sharks. That assessment came back similar
7 to the previous assessment, the stock is
8 overfished with overfishing occurring. We got a
9 new rebuilding timeline of 100 years compared to
10 the timeline of 400 that the stock is currently
11 under rebuilding plan for. The stock assessment
12 we went over is a catch-free model so we didn't
13 get a total allowable catch recommendation that
14 we usually get with a lot of our stock
15 assessments. But we got a recommendation to
16 reduce fishing mortality by 58 percent on dusky
17 sharks. And the stock assessment used data
18 through 2009.

19 So along with that dusky shark stock
20 assessment there were other new and updated stock
21 assessments that all kind of came together in the
22 development of Amendment 5. We've got a couple
23 for blacknose sharks, one for blacktip, sandbar
24 and scalloped hammerhead. And so we had a whole
25 bunch of management measures. The management
26 measures proposed to reduce dusky shark mortality
27 that were preferred was to increase the
28 recreational minimum size to 96 inches fork
29 length to try to protect those reproductive
30 individuals. And then in the commercial fishery
31 it was hot spot closure areas for pelagic
32 longline gear to minimize bycatch mortality in
33 that fishery.

34 And so after we went out for public
35 comment we got a whole lot of comments on
36 Amendment 5, a lot of them were on the dusky
37 shark measures. A lot of them were specific to
38 the data sources that were used in the analysis
39 and how we did our analysis. And also we got
40 comments to consider significantly different
41 approaches than what was analyzed in Amendment 5
42 in the draft. So we decided to split Amendment 5
43 into two rulemakings. All those other shark
44 species and the management measures went into
45 Amendment 5A and that moved through the rest of
46 the management process. And that was finalized
47 in the summer of 2013. And then we've been
48 continually working on Amendment 5B since.

1 So we had a pre-draft back in the
2 spring of 2014. Also coinciding with that work
3 was a petition to list dusky sharks northwestern
4 Atlantic population under the Endangered Species
5 Act. We covered that in more depth in the spring
6 presentation but the final takeaway was, once
7 that whole process was finalized there was a
8 determination that listing was not warranted
9 under the ESA. And that was back in December of
10 2014. And so we've still been working on our A5B
11 rulemaking.

12 And kind of going back to the analysis
13 in Amendment 5, we looked at where we could
14 reduce dusky shark mortality and we had, you
15 know, big changes to the shark fishery in
16 Amendment 2. So we kind of considered those
17 changes sufficient for the bottom longline
18 fishery. So we looked at other areas where we
19 could reduce mortality and that was in the
20 recreational and pelagic longline fishery. And
21 the data that was used in the analysis in draft
22 Amendment 5 was from 2008 to 2010.

23 And so going back and kind of
24 reanalyzing things we looked back at Amendment 2
25 and there is a table in chapter 4, table 4.1,
26 that analyzed reductions in mortality that were
27 anticipated resulting from Amendment 2. And they
28 looked at the years 2003 to 2005. So we decided
29 to extend that analysis from 2003 to 2014 to kind
30 of see where we're at and in the number of
31 fisheries that Amendment 2 looked at.

32 So now I'm just going to go through
33 the data that we were able to compile from those
34 different fisheries. And we've got a table and
35 we've got a draft for numbers people and for
36 visual people. So first is mortality in the
37 shark research fishery and we took that from
38 observed dead discards. And we have 100 percent
39 observer coverage since the implementation of
40 Amendment 2. And then we looked at mortality in
41 the directed shark fishery and we used the
42 combination of observed dead discards and then,
43 since we don't have 100 percent observer
44 coverage, calculated an estimate using directed
45 shark fishery trips that were reported in the
46 coastal fishery logbook.

47 We also looked at mortality in the
48 pelagic longline fishery and we took data from

1 the HMS logbook of reported dead discards and
2 reported kept dusky sharks for that data.
3 Mortality in the shark and mackerel gillnet
4 fisheries, that was observed dead discards, so we
5 had that sort of information. And the same is
6 true for the snapper, grouper and tile fish
7 fisheries, all that information. And then we
8 also had information from the recreational
9 fishery. We took that from our HMS SAFE report
10 which is a combination of the MRFSS/MRIP which is
11 estimates as well as the Texas Parks and Wildlife
12 Recreational Fishing Survey and then its head
13 boat survey.

14 And so compiled all those and summed
15 them up to get our total dusky shark mortality.
16 And so you have the big table with all of our
17 different sources of mortality. And took a look
18 at it in terms of on a year-by-year basis and
19 what the stock assessment recommended. So we
20 have the big bar graphs here that represent that
21 summed total dusky shark mortality.

22 Then you have the green line which
23 represents 58 percent reduction in dusky shark
24 mortality from 2009. So we looked at that
25 terminal year of the assessment and applied it
26 moving forward. And so we have these years since
27 2009 and what sort of reductions have we seen
28 from them? We see a number of years that are
29 less than 58 percent and a couple years that are
30 more than 58 percent. But we kind of have this
31 continuing lower level of dusky shark mortality
32 across these fisheries.

33 Just to touch on some of the data
34 that's in there, specifically the recreational
35 data. And so, you know, a large portion of it is
36 the MRFSS/MRIP data. And when you look at the
37 raw data of dusky sharks that were intercepted to
38 the survey over this time period it was 20 total
39 dusky sharks. And those 20 were used to get
40 these regional estimates over the years. And
41 those estimates range from 60 teen sharks to
42 region to over 5000 sharks in a region. But all
43 those regional estimates had proportional
44 standard errors, you know, from 53.8 percent to
45 104.1 percent. And when you look at the query
46 page for the MRFSS and MRIP data, the PSE value
47 of greater than 50 indicates a very imprecise
48 estimate. So the information that we have for

1 dusky sharks are imprecise estimates but we still
2 have those sharks that are being seen as landed.
3 So there's some sort of issue, either people are
4 just landing them illegally or they don't know
5 the regulations or they have problems identifying
6 dusky sharks. And we hear that over and over
7 again, is that there's a big problem with IDing
8 these sharks.

9 Here's some other information on just
10 pelagic longline effort, a little update. So
11 looking over the time series and since 2009 we've
12 got somewhat consistent average number of trips
13 per year. This -- the average number of trips
14 from 2010 to 2014 are a little bit more than
15 what's seen for the whole time series, about 1.7
16 percent. When you take a look at the effort from
17 January 1 to June 30th of this year you see a
18 large reduction when compared to 2009. And if
19 you kind of project that forward with kind of the
20 number of trips that are usually taken between
21 January 1 and June 30th you get to about 810
22 trips for the year which is about a 43 percent
23 reduction. So that could be due to a number of
24 factors, implementation of Amendment 7 is
25 probably a big factor. So is this reduction kind
26 of a blip on the radar screen for implementation
27 or is this kind of the new normal trend of PLL
28 effort?

29 Here is a graph that we've shown
30 before, it was in the dusky shark ESA status
31 review. And it shows three independent, fishery
32 independent surveys. And the one to focus on is
33 -- and this graph is the red one, that's the
34 Northeast Fishery Science Center, the longline
35 survey that Jeff was just talking about. And so
36 we do have that updated information for 2015.
37 Here's a map with the CPUEs for dusky sharks on
38 that survey and you see very high CPUEs in the
39 mid-Atlantic shark closure area. And when you
40 take this data and put it into the relative
41 abundance graph that we just looked at you still
42 get a continuing increasing trend in dusky sharks
43 for this survey.

44 One other thing to note, since our
45 last meeting we received a petition for
46 rulemaking from Earth Justice on behalf of
47 Oceana. They asked us to take immediate action
48 to rebuild the dusky shark and end overfishing on

1 duskies and to establish ACLs and AMs for dusky
2 sharks. Draft Amendment 5 will address these
3 issues and will clarify ACLs and AMs for the
4 prohibited shark complex and have alternatives
5 that will rebuild and end overfishing of the
6 stock which I'm going to get into right now. So
7 we have a list of potential recreational and
8 commercial alternatives for Amendment 5B.

9 One -- well, I'll start with the
10 recreational ones. One is the status quo.
11 Another alternative would be that anybody who's
12 going to get a recreational permit, that they
13 would have to obtain a shark endorsement. And so
14 that would identify our kind of people that are
15 targeting shark, narrow our recreational shark
16 universe a little bit. And we could also
17 incorporate some outreach and education requiring
18 an online quiz with shark identification and
19 rules and regulations. So this sort of approach
20 could get us better recreational estimates and
21 sort of get at some of those problems with
22 knowing the regs and identification.

23 Another alternative would be to
24 require a recreational shark placard onboard for
25 anybody who's fishing for or retaining sharks, a
26 kind of easy guide to the regulations and to
27 identification of all of our sharks.

28 Another alternative would be to
29 prohibit retention of all ridgeback sharks so it
30 would make the regulations more simple. This is
31 something we've heard from the panel in the past.
32 So if it's a ridgeback you couldn't retain it,
33 that would add oceanic whitetip, tiger and
34 smoothhound sharks to sharks that could not be
35 retained recreationally.

36 Another alternative would be to
37 increase the recreational minimum size to 89
38 inches fork length for all sharks. That would
39 cover 50 percent size of maturity for female
40 dusky sharks to try to protect those mature
41 individuals.

42 And then as another alternative, to
43 only allow catch and release of Atlantic HMS
44 managed sharks, duskies, thresher sharks like the
45 one shown here. You could target them but you
46 couldn't keep them. This is similar to what we
47 have in place for white sharks currently.

48 And then for our commercial

1 alternatives we have status quo. We have another
2 alternative to reduce the effort through limiting
3 the amount of hooks that could be deployed on a
4 pelagic longline set to 750 and have no more than
5 800 gangions assembled at one time.

6 Another alternative would be to try to
7 minimize post-release mortality on dusky sharks
8 by requiring that all sharks that aren't retained
9 to be released using a dehooker or cutting the
10 gangions three feet from the hook minimizing that
11 gear on the shark and improving the survivability
12 chances.

13 Another alternative would be similar
14 to what we had in draft Amendment 5 to develop
15 the hot spot closure areas for vessels fishing
16 with pelagic longline gear to minimize
17 interactions with dusky sharks.

18 There's another alternative here to
19 require additional training for owners and
20 operators that report the highest number of dusky
21 sharks. In our analysis in draft Amendment 5 we
22 saw that a large proportion of the dusky sharks
23 reported in the HMS logbook were by a small
24 portion of the fleet. So if we could do some
25 targeted outreach to the people that are
26 encountering dusky sharks, work on ID rules and
27 regs and best practices type stuff, specifically
28 with the people who need it most.

29 There's another alternative that would
30 require vessels to abide by dusky shark fleet
31 communication and relocation protocol when in hot
32 spot areas. This is something that has been
33 presented to us from the advisory panel and is
34 similar to some of the things that are in place
35 for the pelagic longline take reduction plans.
36 And it also has a outreach and education
37 component associated with it.

38 Another alternative to extend state
39 closures and ASMC closures from July 15th to July
40 31st to have additional protections for all
41 sharks, including duskies.

42 And then the final one would be to
43 close HMS pelagic longline fishery.

44 So there. I blew through it. Thanks
45 for listening and let's open it up for comments
46 and questions.

47 MS. LEA: All right. So it looks like
48 we have Rusty and then Pat.

1 MEMBER HUDSON: Thank you. Rusty
2 Hudson.

3 Peter, when I look at the reductions
4 that have taken place in the different management
5 actions it appears that may have already
6 eliminated overfishing for the dusky. I always
7 worry when I see landings for MRFSS/MRIP
8 expanded, it doesn't take much to be able to
9 cause a mass mortality using these estimated
10 numbers. They're not like real numbers from
11 observed catches.

12 Likewise there may be a suggestion you
13 could also add in your alternatives for the
14 recreational and mandate with -- along with that
15 shark endorsement and the education the use of
16 circle hooks only for the sharks. That way at
17 least you might eliminate a little bit more
18 mortality.

19 And last thought, there's a dusky
20 shark update scheduled for 2016. You're only
21 tentatively including 2014 terminal year. I
22 strongly suggest that you take an extra two
23 months, incorporate the 2015 independent survey
24 that concluded earlier from the Narragansett APP
25 survey. And then also what goes on what the
26 research fishery. Because those are two sets of
27 numbers that could be utilized by the analysts
28 and would probably be pretty important for the
29 verification of where we're at with dusky. So
30 thank you.

31 MS. LEA: Thank you, Rusty. Pat?

32 MEMBER AUGUSTINE: Thank you, Suzanne.

33 Good presentation, Peter. I'd like to
34 address the recommendations on the recreational
35 alternatives. Was there an analysis made of the
36 approximately 20 dusky that were reported
37 between MRFSS and MRIT or was there an indication
38 as to what size we're dealing with?

39 We're not talking about an animal that
40 is taken at 54 inches and you're talking about
41 bringing it up to 89 inches. And if people are
42 eating dusky, and they taste pretty damn good
43 if you take care of them as soon as you catch
44 them, it would just seem to me if you only have a
45 listing of 20 why would we want to go from 54 to
46 89? Because that is a time when they're able to
47 produce?

48 But the reality is not knowing, it's

1 kind of like duskies, that's a number out of the
2 air. How do you justify it? And I'd be hard
3 pressed to sell the fact that we're going to go
4 from 54 to 89 and likewise there's been a push
5 from the shark folks to do with all of the sharks
6 that are caught recreationally, including
7 shortfin mako. It just seems to me unless the
8 science or someone can show the actual value of
9 moving the actual number of animals that are
10 caught from, again, 54 up to 89, to make a random
11 jump to 89 just because that's when they spawn?
12 It's kind of a very, very large jump.

13 I agree with Rusty on this circle hook
14 business for recreational in particular. I'm not
15 sure how you would do it, to -- well, you could
16 do it through our recommendation as a part of a
17 proposal to put out there to the public to look
18 at. But there's no question in my mind it will
19 definitely help with mortality. And I think
20 sooner than later we need to move in that
21 direction. For those recreational fishermen who
22 use circle hooks, you'll find that invariably you
23 will catch that shark in a corner of a jaw and
24 you don't have to work at it. You won't get it
25 out, I don't care what you do with it you won't
26 get it out and you'll cut your leader and the
27 fish will swim away.

28 But those are my two points.

29 But I really would like to see some
30 information on it. It's hard to just accept a
31 raw from 54 to 89 with a number of 20. And then
32 as you indicated, Peter, the PSE value greater
33 than 50 says, wow, red flag goes up, and it
34 really raises a very large question as to why we
35 would even consider jumping that large amount.

36 Thank you.

37 MR. COOPER: Right. And I believe we
38 have some of that information. I don't have it
39 at my fingertips but I can go back and take a
40 look.

41 MEMBER WHITAKER: Yes. Thank you for
42 a good presentation.

43 And sharks are hardly ever my targeted
44 species, in fact occasionally we may catch a mako
45 or a thresher. But a brown shark, they are not
46 being caught in the Hatteras or Oregon Inlet
47 area. I mean, you can go to websites, wherever,
48 I mean, we are trying to get away from them. In

1 fact, they have gotten so plentiful my son that
2 works for the rescue squad in Hatteras and they
3 ride the beach, and he has saved some people from
4 drowning, I'm very proud of him for that. But he
5 rode from -- a 50-mile stretch.

6 And I said, well son, what did you see
7 on the beach today? This was after three shark
8 attacks in about one week on -- in North
9 Carolina.

10 He said, well, there were a lot of
11 people on the beach but nobody's over their
12 knees. He said, but dad, it's a great thing, the
13 shark attacks, there are no more drownings. So
14 we don't have to rescue anybody.

15 (Laughter.)

16 MEMBER WHITAKER: So I guess there's
17 a good side to everything.

18 But they -- we're starting to even
19 wonder now if out in our traditional yellowfin
20 tuna areas, and I'm talking about from the 230
21 line off of Hatteras to above the point, the 630,
22 which is about a 40-mile stretch of ocean, there
23 was a two or three-month period there that if you
24 were lucky enough to hook a yellowfin or even a
25 blackfin your odds of landing him were about one
26 in ten, at best. So I know all this is anecdotal
27 but it's still important to fail to let you know
28 -- I mean, I've been fishing these same waters
29 for 30 years and I've never ever seen anything
30 like the proliferation of big sharks that we have
31 now.

32 Thank you.

33 MS. LEA: Thanks, Rom. Mark and then
34 Scott.

35 MEMBER SAMPSON: Yes, thank you.

36 And Pete, I kind of -- I don't have to
37 mention to you -- mic's on, am I okay?

38 Okay. I pretty much have the same
39 comments I had two years ago when this thing with
40 dusky sharks first came up so I'm not going to
41 reiterate all that. You've got all that. I
42 thank you for pointing out the fact that those
43 recreational -- the landings of the dusky sharks
44 are -- that those numbers are just way out of
45 whack and probably not reliable. I realize that
46 you still have to kind of work with them just the
47 same, because that's -- whatever.

48 But anyway, I guess of all the

1 alternatives, again I'm hoping that you all are
2 not going to be leaning toward that 96-inch size
3 limit. The prohibition of the ridgeback sharks I
4 think could be a viable answer although it is
5 kind of a shame that for a potentially non-
6 existent problem of the recreational catch of
7 duskies that recreational anglers might have to
8 give up retaining, even though there's not much
9 reason for it, the tiger sharks and the whitetips
10 and then perhaps smooth dogfish, well the
11 smoothhounds, just to comply with the ridgeback
12 thing. But anyway, if it has to be it has to be.

13 The circle hook thing, definitely I
14 think you ought to consider that because that in
15 itself, if you're looking for a reduction in
16 mortality on sharks overall, perhaps just by
17 going in that direction you could obtain that and
18 cover the dusky issue on at least a recreational
19 angle -- end of it.

20 Thank you.

21 MS. LEA: Scott, and then I see
22 Valerie, Carolyn and Jeff.

23 MEMBER TAYLOR: So a couple of
24 comments that I don't want to overlook. But you
25 know, one thing that we talked about in the past,
26 you know, is that if virtually in every single
27 sector, whether it be commercial, recreational,
28 anybody that's out there on the water is telling
29 you that you're seeing an explosion of -- in the
30 increase in the sharks in various different
31 species, including the possibility that the dusky
32 stocks are recovering much faster than what the
33 scientists are telling us in the 100-year plan.

34 That you certainly are going to see
35 more interactions if the stocks are healthier
36 than what we think it is. And that if you're
37 using data that goes back to 2009 as your
38 baseline, it's not going to be reflective of the
39 increase in population growth, then that we sort
40 of are in the same problematic area that the
41 interactions may be correlated with the health of
42 the numbers of the animals that are actually out
43 there. And I don't think that that's being
44 factored in.

45 The second comment is about -- I want
46 to make sure that I didn't misunderstand when you
47 were talking about as a possibility, you're
48 limiting the number of gangions to 750 for

1 pelagic longline gear? Did I miss that or is
2 that right?

3 MR. COOPER: That was one of -- yeah.

4 Yes.

5 MEMBER TAYLOR: Okay. So I just want
6 to interject that if you do that then you're
7 going to end the rest of the highseas longline
8 fleet. Because the bigger boats that are out
9 there that are producing most of your swordfish
10 numbers that are plying the highseas aren't going
11 to survive on 750 hooks, I can tell you that
12 right now. That would be the end of a
13 substantial amount of your swordfish production.
14 So you know, that if we're talking about all
15 Pelagic gear, I have to sort of respond to that.

16 But my big concern about this is the
17 disconnect and, fortunately or unfortunately I
18 rode up with Rusty yesterday on the airplane and
19 got to listen to him for the cab ride over here.
20 And he had some interesting data, you know, with
21 the sharks.

22 But you know, the independent and the
23 numbers and the people that I respect also as
24 experts on this are seeing an explosion in CPUEs,
25 in some that you have good data and some that you
26 don't have good data on. The sandbar is a great
27 example, it's a research fishery that's out there
28 that 100-year rebuilding plan? I mean, not to,
29 you know, be -- not to question the integrity of
30 the science but I'm questioning the premise in
31 which the science is being driven by because
32 there is such a disconnect between what we're
33 observing in these fisheries and what the numbers
34 are supposed to be happening.

35 That my big concern with this
36 amendment, which has been from the very
37 beginning, is that if you're wrong and the
38 animals are more prolific than you think, you're
39 not -- no matter what you do you're not going to
40 limit interactions. You're going to continue to
41 see interactions. And where else would you most
42 likely see it but in the recreational sector? So
43 maybe there isn't such a disconnect in the
44 recreational numbers, maybe there's just more
45 animals.

46 And it doesn't help that you're using
47 data that's six years old to make decisions with.
48 I mean, I don't -- I don't get -- I'm sorry, I

1 just don't get it. I have a hard time with, you
2 know, the fact that I know you're saying you're
3 required to use the best available science, but
4 we're making assumptions on data that's really
5 outdated and using landings that aren't current
6 numbers. And you're trying to draw some
7 correlation between the two.

8 MS. LEA: Thank you, Scott.

9 All right. We have Valerie, Carolyn
10 and Jeff and then I think we're going to try to
11 take a real quick break before we go into
12 Amendment 9 before the public comments start. So
13 Carolyn -- or sorry, Valerie?

14 MEMBER V. MILLER: Thank you. And
15 thank you for the presentation.

16 I just have three quick questions.
17 One, I wanted to know if there have been any
18 evaluations on the percent of mortality that
19 would be reduced from these various alternatives?
20 Some of them seem to be burdensome. Or if there
21 are plans to do that type of evaluation.

22 And then second, if there are also
23 plans to analyze the possibility of including
24 right space management alternatives within this
25 list.

26 And then lastly, if you have any
27 better idea now of a potential timeline of when
28 the proposed rule is planning to move forward.

29 MR. COOPER: So the percent mortality
30 reductions, when we come out with the EIS, that
31 sort of analysis would be in there where we could
32 do it on these different alternatives. These are
33 potential alternatives so the proposed rule and
34 EIS isn't out there yet. So there are -- there's
35 still time to add additional alternatives.

36 And then I totally blew past timeline
37 stuff. But FIB, just if you recall, was deemed
38 significant by the Office of Management and
39 Budget so when it gets to that point, the
40 proposed rule in the review stage, that could
41 take up to 90 days and possibly more to do the
42 review. So it's difficult for us now to pinpoint
43 a specific timeline. But we are moving forward
44 and trying to come out with this proposed rule.

45 MS. LEA: Thank you. Carolyn?

46 MEMBER BELCHER: Thank you.

47 Just a couple of observations,
48 probably more-so than anything else from my side.

1 I find it frustrating at times when we have
2 estimated numbers but no measure of whether it's
3 CV. I mean, you've shown it for the MRIP but we
4 have two other surveys in here that were
5 basically estimated numbers with no range
6 associated with that. So it kind of -- for me
7 it's difficult to see just a single number
8 knowing that it's driven largely by this
9 recreational component that has huge error bars
10 on it.

11 Not knowing the methodologies that are
12 behind the estimates can be frustrating. I know
13 that, you know, as we sit through the SEDAR
14 processes some of these are simple expansions
15 that are done based on how the logbooks are set
16 up, they're stratified, however that approach is.
17 And then you go to other assessments where people
18 are using other type approaches to try to do
19 better with these surveys. So not having
20 methodologies or seeing how much variability
21 exists with these estimates I think makes it very
22 difficult and frustrating to really get a handle
23 on how sound these numbers are.

24 Just looking and taking the MRIP out
25 of it, the order of magnitude is down at least by
26 one full rank if you look at it relative to your
27 directed fisheries. And it seems to me that if
28 your directed fisheries are doing that well in
29 keeping numbers low, recreational where it may or
30 may not overlap, I know in Georgia dusky sharks
31 are not encountered in state waters for us. So
32 for people to actually encounter duskie they're
33 going quite a ways out to do that.

34 So to see those numbers that high, I
35 don't know again how MRIP -- and obviously this
36 is encapsulating a larger area, but it still kind
37 of makes me a little bit hedgy on letting those
38 numbers drive what's telling us is actually the
39 amount of mortality that's there.

40 MS. LEA: And finally, Jeff.

41 MEMBER ODEN: Sorry for getting off-
42 topic a little earlier.

43 Anyway, to reiterate what Scott just
44 said about swordfish, well the same could be said
45 for mahi. You know, you cut these guys back 750
46 hooks and that fishery is going to be severely
47 impacted.

48 Secondly, you know, you're talking of

1 a potential hot -- closure of hot spot areas?
2 Well, and you just mentioned PLL gear? Well, I
3 also happen to pull a greenstick on occasion
4 there around the point and I assume that's going
5 to be designated a hot spot area, you know.
6 Seems like North Carolina always gets the heat.
7 So anyway, are you going to apply that also to
8 greenstick gear? Because I'll give you a for
9 instance. The last time I tried to pull a
10 greenstick around the point I put it over, made
11 one pass, caught two small yellowfins. Made
12 another pass on the mark and I had three duskies
13 on the first three yellowfins that bit the hook.
14 I ended up having to fight one of the duskies in
15 to try to get my Mold Craft which is an
16 artificial lure, bait off of it, and he was on
17 the last hook. I had five or six more giant
18 duskies swimming around the boat trying to eat --
19 well, one of them grabbed the bird, the wooden
20 bird and tried to eat that. Another one was
21 chewing on the polybow which was trailing behind
22 the bird.

23 And anyway, all this -- well, to get
24 to the point, I mean, it's not just PLL gear that
25 interacts with duskies. It's trawling, you know,
26 recreational charter. Are you going to close
27 everybody or just the PLL craft? I mean, if
28 that's one of the solutions then I think you need
29 to look across the board.

30 But on another point, the point where
31 we fish and which some might call a hot spot, you
32 know, it's an area where the soak times are the
33 shortest probably of any in the PLL fleet. We're
34 fish and tide, we set the gear, we idle back to
35 the other end and two hours later we're usually
36 on the gear and fishing it. And we're done
37 fishing it long before sunrise and we start
38 fishing right about sunset.

39 So mortality in this fishery is
40 virtually zilch. So I mean, I'm just making my
41 case for my home turf, anyway, you know.

42 One potential -- one other thing, a
43 point I've made in the past is, I mean, I don't
44 know what mortality is associated with the PLL
45 fleet but our gear is not designed to catch
46 sharks. And it's not a six-foot leader like was
47 used in the bottom longline fishery. And our
48 mortality is far less, if at all, you know, in

1 given sets compared to that fishery. And in my
2 case, I'm fishing between a seven and fifteen
3 fathom leader and that gives them plenty of room
4 to roam.

5 So anyhow, I'm just trying to defend
6 my turf. That's all. Thanks.

7 MS. LEA: Thank you, Jeff.

8 All right. So why don't we go ahead
9 and take about a ten-minute, five, ten-minute
10 break, a quick break. Then we'll come back for
11 Amendment 9 and then public comment because I
12 think we're probably going to have a fair bit of
13 public comment. And also A9 and shark
14 assessments.

15 (A short break was taken.)

16 MS. LEA: Can we please come to order
17 so that we can get through the other shark
18 updates. So if folks could please meander back
19 to your seats, get some cookies, power through
20 the next hour or two.

21 And just to clarify, in the breakout
22 session after the public comment, the rec folks
23 are going to need to use this space because they
24 have presentations and such. So the Amendment 7
25 continued discussion will happen just out in that
26 room with the snacks and coffee and such, which
27 is good. So we'll continue in there just going
28 through the queue that we had going before. So
29 just to give you all a heads up on that.

30 MR. DURKEE: All right. How are you
31 guys doing? I'm Steve Durkee, I'm based in HQ
32 and we're going to discuss Amendment 9 which, as
33 you remember, focuses on the smoothhound sharks
34 including smooth dogfish with some measures that
35 affects Atlantic shark fishery as well.

36 In addition to Amendment 9 we also
37 discuss the smoothhound shark stock assessments
38 that we recently completed and how that could
39 translate into management in the future.

40 So this first slide is a bit of a
41 retrospect, a timeline of federal smoothhound
42 shark management over the past several years. I
43 won't go into too much detail but I do want to
44 point a couple things out to you. The first
45 bullet is in June of 2010 when Amendment 3 was
46 published. This is what brought smoothhound
47 sharks under federal management. We delayed the
48 effective date of those measures to allow time

1 for other considerations, but that was really the
2 beginning of federal management. Several things
3 have happened since then that affect when these
4 measures go into place. First was in January
5 2011, the Shark Conservation Act of 2010. The
6 Shark Conservation Act. The Shark Conservation
7 Act, as you remember, required all sharks landed
8 in the U.S. to be done so with their fins
9 naturally attached however provided a limited
10 exception for smooth dogfish.

11 There was also in December 2012, the
12 2012 the Shark BiOp was finalized that affected
13 smoothhound sharks as well and there's some
14 requirements we need to put in place for that.

15 And then finally, in March of this
16 year the SEDAR 38 smoothhound shark stock
17 assessments were complete and that has some
18 obvious implications for management.

19 Just a quick outline of what was in
20 the proposed rule for Amendment 9 that published
21 last year. We proposed to establish an effective
22 date for those Amendment 3 and 2011 HMS Trawl
23 Rule Smoothhound Shark Measures. We also looked
24 at ways to implement the smooth dogfish specific
25 provisions of the Shark Conservation Act and
26 looked at ways to interpret some of the specific
27 language in that provision. I include a look at
28 catch compositions, state permits and geographic
29 applicability.

30 We looked at implementing a
31 smoothhound shark quota based on updated data
32 since Amendment 3 and considered some sink and
33 drift gillnet requirements to comply with the
34 2012 shark BiOP. And finally proposed limiting
35 the VMS requirement in the directed shark gillnet
36 fishery to a specific area off the east coast of
37 Florida.

38 We received a lot of comments, about
39 500 in total, and we had a lot of mixed
40 opposition and support for most of the measures.
41 However the bulk of the comments really focused
42 on the quota and the percent catch composition
43 and no other sharks onboard provisions in the
44 Shark Conservation Act Smooth Dogfish Provision.

45 All right. Whittling down to just a
46 little bit more detail now, the specific
47 Amendment 9 proposed measures -- and again, this
48 is what was proposed in Amendment 9 that was

1 published last fall with a comment period that
2 ended last November. To implement the smooth
3 dogfish specific provision we proposed allowing
4 the fin removal of smooth dogfish if these five
5 criteria are met. If smooth dogfish make up 75
6 percent of the catch onboard; if no other sharks
7 are retained; if the vessel holds a state
8 commercial permit valid for smooth dogfish
9 fishing; and if the fishing occurs within 50
10 nautical miles of the Atlantic coast and the fin
11 weight does not exceed 12 percent of the carcass
12 weight.

13 We had a lot of comments on some of
14 these, specifically the 75 percent provision and
15 the no other sharks onboard. Many commenters
16 felt this was overly restrictive and burdensome
17 and could lead to excessive discards.

18 The other three measures in the
19 proposed rule were the smoothhound shark quotas.
20 We proposed implementing a smoothhound shark
21 quota based on historical landings. We received
22 a lot of comments on this issue that encouraged
23 us to not use historical landings but to instead
24 use the SEDAR 39 stock assessment.

25 We proposed to establish a soak time
26 limit in the sink gillnet fishery and a net check
27 requirement in the drift gillnet fishery for
28 Atlantic shark and smoothhound fisheries to
29 comply with the 2012 shark BiOp.

30 And then finally, we proposed to limit
31 the VMS requirement for directed shark gillnet
32 fishermen to just the area around the southeast
33 U.S. monitoring area.

34 Now we're going to switch topics just
35 a little bit to discuss specifically just the
36 smoothhound stock assessment separate from
37 Amendment 9. It was completed back in March of
38 2015. The assessment scientists split the stock
39 into two regions; the Atlantic which was composed
40 just of smooth dogfish and the Gulf of Mexico
41 which was composed of smooth dogfish, Gulf
42 smoothhound and Florida smoothhound. Both stocks
43 are not overfished and are not experiencing
44 overfishing and so it looks like recent harvest
45 levels are sustainable.

46 The assessment provided some
47 projections. For the Atlantic it looks like a
48 tack of 550,000 sharks meets that 70 percent

1 probability threshold we have for avoiding
2 overfishing. And in the Gulf it looks like the
3 2012 catch could be doubled or more and still hit
4 that 70 percent probability threshold that we
5 typically use in shark fisheries.

6 Okay. So no final decisions have been
7 made on when or how to implement the smoothhound
8 shark stock assessments. This could provide a
9 little bit of a guideline on what we typically do
10 with shark stock assessments and how we put it
11 into management. We'll figure out soon how to
12 actually go about doing this but when we do we'll
13 start with a tack. And the tack is calculated in
14 the stock assessment and it provides an overall
15 cap on fishing mortality across all sectors.
16 This is the total amount of sharks that can be
17 killed through different fishing techniques but
18 still have a sustainable fishery.

19 Next we remove all other sources of
20 mortality such as recreational landings,
21 recreational post-release mortality, commercial
22 post-release mortality, research set-aside. All
23 of those colored pie slices you see up there, we
24 pulled those out of that total TAC. And what's
25 left of that large blue portion of the pie chart,
26 that remainder of the TAC, that becomes our
27 commercial quota and that's typically what we do
28 in shark stock assessments. We put them into
29 management and I anticipate that when we do end
30 up implementing the smoothhound shark stock
31 assessment results this is the method that we'll
32 use.

33 All right. Moving back into Amendment
34 9. These are the implementation timing targets.
35 We hope to publish a final rule sometime this
36 fall and we're hoping for an effective date of
37 January 1st for most of the measures. However
38 that, of course, is not set in stone and we'll
39 try and meet that target but it could get pushed
40 a little bit, depending on what's going on.

41 And that is the short and sweet
42 presentation. I'm happy to take any kind of
43 questions or comments.

44 MS. LEA: It looks like Rusty and
45 Anna.

46 MEMBER HUDSON: Thank you. Rusty
47 Hudson.

48 Had our scientist involved in the

1 SEDAR 39 for smoothhounds and so they worked very
2 well with the analysts and they with him. The
3 550,000 sharks tack for the Atlantic side appears
4 to -- when you use the percentages of commercial
5 allocation and recreational allocation out of the
6 assessment, 66 percent allocated to commercial,
7 34 percent to the recreational. Some people
8 question the veracity of your recreational
9 landings and discard numbers. And it looks like
10 in 2012 you had 400 -- about 415,000 fish versus
11 this 550,000 and the commercial allocation was
12 363,000, using the 66 percent, just back of the
13 envelope because you haven't established any
14 numbers.

15 But we're wondering if the gillnet
16 fishery's average weight I believe is eight
17 pounds round weight, but it may be dress weight.
18 We need to check that out because until the
19 analysts kind of can verify what we're going to
20 be looking at a lot of people in the mid-Atlantic
21 region from Jersey to North Carolina would like
22 to have an idea what their quotas might be.

23 The only thing that jumps out at me
24 that bothers me is the recreational post-release
25 mortality. What is the reason for that magnitude
26 versus their landings as to recreational post-
27 release mortality of these smoothhounds?

28 MR. DURKEE: Well, you're right, and
29 it's typically not a number that's provided by
30 the stock assessment. This is one of the first
31 we have where we have a good recreational post-
32 release mortality. It needs to fit underneath
33 that TAC. I couldn't speak to exactly why the --
34 how it measures up against recreational landings
35 but it is there in the assessment and we take it
36 into consideration.

37 As far as the allocation between
38 recreational and commercial, though, I think
39 you're looking at it a bit -- 180 degrees of how
40 I'm looking at it. I'm not looking at
41 proportionally what the commercial is taking and
42 what the recreational is taking and then dividing
43 the pie. We're more looking at it based on like
44 this graph where we deduct those recreational
45 landings and the other sources of mortality and
46 what's left is the commercial quota. We're not
47 trying to divide that pie amongst recreational
48 and commercial. I think the way that you're

1 imagining the allocation would be the 66 percent
2 or 34 percent based on recent landings.

3 MS. LEA: All right. Anna and then
4 Carolyn and then Pat.

5 MEMBER BECKWITH: Thanks. The Council
6 had put in comments, of course, that we did not
7 support that 75 percent of the catch makeup. You
8 mentioned that you got a lot of comments to sort
9 of that point and to the no other sharks
10 retained. Can you go through with me some of the
11 reasons why that's the direction that you're
12 moving given all those comments, just so I can
13 take that information back to my folks?

14 MR. DURKEE: Yeah. Just to be clear,
15 I want to provide a little bit of an overview of
16 what was in the proposed rule. Not necessarily
17 direction or moving forward, just a bit of a
18 reminder of where we are. And yes, you're
19 absolutely right, you heard a lot about the 75
20 percent and other sharks onboard and that's
21 something we're taking into consideration right
22 now as we develop the final rule. But please
23 don't take this presentation to mean as a future
24 direction we're taking the final rule
25 necessarily. Just that this is what's already
26 out there in the public realm for the proposed
27 rule process.

28 Does that not answer your question,
29 looks like?

30 MEMBER BECKWITH: No, it does. I'm
31 just thinking about the process and it's you guys
32 have the comments so there's not -- there's no
33 benefit to reiterating the comments that folks
34 have already made. You guys sort of have them on
35 record. So that's all.

36 MS. LEA: Carolyn?

37 MEMBER BELCHER: Just one question
38 about, as you partitioned out basically the tacks
39 and such, what happened to the bycatch estimates,
40 especially for the Gulf of Mexico? That was a
41 big component of what was going on in that -- in
42 the mixed complex. I know it was a large source
43 of estimated mortality but yet it's not figured
44 in as part of that.

45 MR. DURKEE: This is a very
46 generalized schematic for implementing shark
47 stock assessment results but I believe it would
48 fit under this commercial post-release mortality.

1 And in the Atlantic it would probably be a small
2 slice like this. But you're absolutely right, in
3 the Gulf of Mexico I can imagine it would be a
4 much large slice if I proportioned these out
5 appropriately.

6 MS. LEA: Thank you. Pat?

7 MEMBER AUGUSTINE: Yeah, thank you.

8 Good report.

9 A quick question. I'm still not clear
10 on the answer you gave Rusty on the recreational
11 post-release mortality. Is it a hard number that
12 you have, you researched that came up with saying
13 it looks like one out of five or one out of --
14 you know, maybe one out of five fish -- no, I'm
15 sorry, four out of five are discarded die, are
16 dead? I'm just trying to get a sense for it. It
17 just seems like it's very high for any of the --
18 those animals that we've caught. If you lose one
19 out of 25 you're lucky. So is there a reference
20 point maybe I could look at?

21 MR. DURKEE: Yeah, all this
22 information is from the stock assessment and I'd
23 be happy to comb through it and find it. But
24 yeah, those are hard numbers that we're provided
25 with.

26 MEMBER AUGUSTINE: Thank you.

27 MS. LEA: It looks like Randy.

28 MEMBER GREGORY: How about that one?
29 Randy Gregory.

30 I'm assuming that the chart you have
31 up here is just a representation of how you'll do
32 it, not necessarily what the numbers are. I
33 think that's what some of the people are getting
34 stuck on, is that correct?

35 MR. DURKEE: Yes. Yes. I wouldn't
36 take any of this to be the final numbers from the
37 stock assessment, necessarily. I think we might
38 see something similar but no, don't take this as
39 the final word on what those numbers would be as
40 in proportion to the larger tack, no.

41 MEMBER GREGORY: I think some of the
42 folks are getting stuck on the actual sizes of
43 the pie they were looking at there. Okay, just
44 remember these guys need -- I'll reiterate
45 something I've already commented on. They need
46 the ability to process at sea. Thank you.

47 MS. LEA: And Jeff?

48 MEMBER ODEN: To Randy's point, is the

1 agency leaning towards the 75 percent rule? And
2 I'm -- I just heard mention that you're still
3 considering it. But I'm just wondering, you
4 know, if you're leaning that way because, I mean,
5 why does an agency promote discards? Because
6 that's exactly what you're going to be doing in
7 this fishery. If you require that you're going
8 to be -- some days these guys catch 50/50 of
9 sharpnose and smoothdogs and they're not going to
10 wait to go to the dock to have to process all
11 those smoothdogs so they're going to be throwing
12 over dead sharpnose or what have you. And it
13 just seems totally inconsistent with logic, you
14 know. I'm sorry, but if you're heading that
15 road, that's what you're promoting. You're going
16 to make us throw dead sharks overboard. And in
17 the name of conservation...

18 MS. SCHULZE-HAUGEN: Let me just jump
19 in to clarify. This is what was proposed. We're
20 recapping essentially a year ago. We got lots of
21 comments, we have not released the final. So
22 we're -- there's no decisions made, I can't tell
23 you which way we're leaning, I'm sorry. But I
24 can tell you we heard a lot of the comments,
25 we're looking at it and we will issue the final
26 as soon as we can.

27 MS. LEA: All right. So now it looks
28 like we're going to take a look at the Atlantic
29 shark stock assessments presentation real quick?

30 MS. BREWSTER-GEISZ: Hello everyone,
31 thank you so much for making it to presentation
32 number four of the afternoon of shark
33 presentations. Really appreciate your patience.
34 I know you are probably tired of shark
35 presentations but I've heard a lot of comments so
36 far on what species you want to assess so I'm
37 hoping for a really good discussion on this. And
38 I'm just going to say basically what I'm going to
39 do right now is give you a quick summary of where
40 are in stock assessments and then where we are
41 thinking we'd like to go and open it up for your
42 comments.

43 So this slide is specific for pelagic
44 sharks but you're going to see this table on the
45 next few slides. You have the species in the
46 left column, the most recent stock assessment,
47 the year it was done in the next column, the
48 results of that assessment and for overfished

1 species, when the rebuilding starts and when it
2 ends. So it's specific to pelagic sharks. These
3 are assessed internationally through

4 ICCAT for U.S. management purposes
5 this is one stock. So even though ICCAT might
6 split a species into several stocks we're just
7 looking at the one stock for U.S. management.

8 Large coastal sharks, these are
9 different than pelagic sharks. They are assessed
10 domestically through the Southeast Data
11 Assessment and Review. When I say that my New
12 England accent wants to pop in so, sorry. SEDAR,
13 unlike pelagic sharks some of these shark species
14 are split into two stocks between the Atlantic
15 and the Gulf. An example of that are the
16 blacktip sharks, whereas other stock, other
17 species are one stock combined, Atlantic and Gulf
18 of Mexico, or at least the last time we assessed
19 them they were one stock. So that would sandbar
20 and scalloped hammerhead.

21 Small coastal sharks just like large
22 coastal sharks in this case, only finetoothed
23 sharks have one overall stock. Again, that was
24 the last time we assessed them in 2007.

25 We've also assessed a few other
26 species so we have dusky, which is the only
27 prohibited shark species to date that has been
28 assessed. That's one overall stock. And then we
29 have smoothhound sharks where we have two stocks,
30 the Atlantic smooth dogfish and then in the Gulf
31 of Mexico we have three species, smooth dogfish,
32 Florida smoothhound and Gulf smoothhound. So
33 overall, what does this mean? It means we have
34 42 species being comprised of 45 separate stocks,
35 so that's a lot of assessments we need. Twenty-
36 eight of those species or stocks have not yet
37 been assessed.

38 We have only two NMFS shark scientists
39 that are dedicated to doing stock assessments, it
40 limits how many we can do per year. Rusty
41 brought this up when he was talking to Eileen
42 earlier today. Overall what this means is they
43 can do one big -- include the air quotes around
44 there -- and one small assessment per year. Big
45 assessments change, whether it's ICCAT or maybe a
46 SEDAR benchmark assessment. A benchmark
47 assessment generally lasts around 18 months.
48 This is an assessment where everything is on the

1 table.

2 You can change the data, you can
3 change the data inputs, you can change the model.
4 It gets peer reviewed, it's a big deal, it takes
5 a long time. Versus an update where you're not
6 really changing anything, you're just adding
7 years to the data inputs. We've never done an
8 update for a shark assessment, at least not to
9 date. We're scheduled to do one next year so
10 that will be a first. ICCAT assessments take a
11 little less than a year.

12 And when I'm giving you these
13 timeframes these are the timeframes when the data
14 inputs are basically in from a stock assessment
15 perspective, from the management perspective.
16 These stock assessments take a lot longer than
17 these timeframes because you have to collect all
18 the data beforehand. The stock assessment
19 scientists, this is Enrique and Dean, are working
20 on various methods to assess all the data for
21 sharks, we have a lot of them, we don't have a
22 lot of life history for some of those prohibited
23 species. We don't have landings. Some
24 assessment models we use for the other sharks
25 just won't work for some shark species.

26 Also as a result of changing data,
27 increased information on life history on some of
28 the more important species, pretty much every
29 single shark species we're looking at will need a
30 benchmark. I know Rusty had brought up
31 potentially doing a certain species, I want to
32 say blacknose, as an update. That is not an
33 option.

34 So upcoming assessments, this year was
35 a really rare year. We actually got three
36 assessments, blue sharks and then two stock
37 assessments for smoothhound sharks. Next year
38 we're doing shortfin mako in ICCAT, a dusky shark
39 update. Rusty indicated he wanted to make sure
40 2015 data is incorporated and that is the plan,
41 to do it late enough in 2016 that we have the
42 2015 data but early enough that we can actually
43 finish it, complete it in 2016.

44 2017 porbeagle sharks and blacktip
45 sharks update, and that is all we have of species
46 that we can do updates. Everything else needs a
47 benchmark.

48 So in 2018, as far as I know ICCAT has

1 not yet scheduled a 2018 species assessment, and
2 we have the capability in the Science Center to
3 do one, count them, one benchmark assessment. So
4 we are very limited in how many stock assessments
5 we can do. Luckily NMFS, as Eileen mentioned,
6 realizes that it is a problem throughout the
7 agency and they recently finalized a document
8 outlining a national framework to help regions
9 prioritize fish stock, stock assessments.

10 So this takes 14 factors, you take
11 each and every species, you put them into those
12 factors, rate them, come out with a prioritized
13 list. Some of those factors are fishery
14 importance, constituent demand is a big one in
15 there, so that's a lot of what we'll be talking
16 about today. But it also includes things like
17 how many years is the assessment overdue? Which
18 for a lot of shark species is, they're all pretty
19 much overdue. And then also the biology of the
20 stock.

21 So keeping those 14 factors in mind,
22 we have had a lot of requests in the past year
23 for various stock assessments. I would say the
24 majority of those requests, and a large majority
25 of those requests are for sandbar or for Atlantic
26 blacktip. So this is just a quick rundown of the
27 differences between sandbar and Atlantic
28 blacktip. Sandbar we've had assessed fairly
29 recently. The last two assessments were pretty
30 similar results. We have 55 years left in the
31 rebuilding plan for that species.

32 Atlantic blacktip, the last assessment
33 in 2006 was not accepted so we do not have a
34 current assessment for Atlantic blacktip.
35 Comments we're getting that both of these species
36 are exploding, nobody can catch anything else.
37 We heard from Rom about the yellowfin tuna
38 getting eaten. We heard from Jeff about the same
39 thing. That's what we're hearing about these two
40 species, they're exploding, they're eating
41 everything else on the line.

42 With sandbar we're also getting the
43 requests right now to limit it to the shark
44 research fishery permit holders. People want a
45 chance to catch sandbar sharks. So with that in
46 mind, as part of Amendment 6, early on we did an
47 analysis, tried to figure out if we kept the
48 research fishery how many sandbar sharks would

1 all the shark fishermen get? We'd then split the
2 quota out to all the permit holders. We came out
3 with seven sharks a year. A year; not a month,
4 not a trip, not a set, a year. We brought that
5 in front of this group and others. All of you
6 pretty much said seven sharks a year, it's not
7 worth it. That's not enough to make a fishery,
8 don't bother doing it.

9 We didn't do it then but now, I want
10 you to all close your eyes, go to your happy
11 sandbar place. What would make it worth it to
12 you to fish for sandbar sharks? So this table
13 has that same analyses we did in the beginning of
14 Amendment 6. You have the available sharks in
15 pounds and metric tons, a column about splitting
16 it across all permit holders per year, across
17 just directed shark permit holders and across
18 active shark permit holders. So the yellow row
19 is 90.7 metric tons. That's the current research
20 fishery quota. If we were to take that and split
21 it to everyone that's nine sharks per year. If
22 we split it to the active directed permit
23 holders, that's 63. Is that worth it for people?

24 The next row, the 300,000, that's
25 actually our total allowable catch. So if we
26 were to give that to everybody, assuming no
27 recreational harvest, no dead discards, you end
28 up at 13 sharks per year. The 4 million row is
29 half of MSY. That's half of what the rebuilding
30 plan would bring us to. So in your mind as
31 you're thinking about this, where did your happy
32 place end up? Where is it on this chart? And is
33 it worth it enough to think that this next
34 assessment in 2018 would bring us to that happy
35 place, or at least close enough that you think
36 this is the species we should be doing?

37 Similarly blacktip sharks, another
38 species we're getting requests for a lot, we're
39 being told it's exploding. Both the Gulf of
40 Mexico and Atlantic blacktip sharks have very
41 similar life history, very similar. There's
42 slightly fewer pups for the Atlantic but not
43 much. We're talking three in the Atlantic, four
44 in the Gulf. The management is very different in
45 the Gulf of Mexico, the blacktip sharks is the
46 largest shark quota, it is not linked to anything
47 else. The numbers of Atlantic blacktips has
48 always been much lower in harvest rates compared

1 to the Gulf.

2 So the question I ask you is, would
3 this species be worth it? Would it be worth it
4 if the species is good enough and the assessment
5 comes back not overfished, no overfishing that we
6 can have an Atlantic blacktip only quota possibly
7 not linked? Depending on what other species are
8 being caught there. Is that the direction you
9 want to go?

10 And so I raise the question to all of
11 you, which species do you want assessed in 2018?
12 We still haven't decided. I change my mind back
13 and forth depending upon what hour of the day it
14 is. So I'm really interested to hear your
15 comments on this and think about these 14 factors
16 that are in the prioritization scoring process as
17 well as you go through this.

18 And that's all I have. Thanks.

19 MS. LEA: Thank you. I'm seeing
20 Rusty, Carolyn and Jason. Carolyn, did you --
21 okay, do you want to go ahead and start?

22 MEMBER BELCHER: Yeah, just to kind of
23 add in, I know it seems like we've reiterated
24 about the fact that we only have two stock
25 assessment scientists to do the shark work. The
26 other thing I think the people in the room need
27 to be aware of, SEDAR does not serve just one
28 council or just HSM. There are currently five
29 bodies that submit for stock assessments under
30 there. You've got the South Atlantic Fisheries
31 Management Council, the Gulf of Mexico, the
32 Caribbean. You have ASMFC as well as HMS. So
33 there's a lot more moving pieces than just having
34 enough stock assessment scientists. There's also
35 a schedule that's juggled amongst those five
36 groups. So just keep that in mind as well.

37 MS. LEA: Thank you. Jason and then
38 Rusty.

39 MEMBER ADRIANCE: Okay. I think you
40 definitely need to keep the Gulf of Mexico
41 blacktip update because you have projections that
42 weren't reviewed that potentially would increase
43 harvest on a stock that's doing well.

44 One problem I see is you have this
45 large coastal group that is now, like you
46 mentioned, in the Gulf of Mexico. It's a smaller
47 quota and especially now that things are split.
48 I would argue that you need to assess everything

1 in the large, the aggregated large coastal so
2 you'd know what you can harvest in there. You're
3 not looking at one species. You've thrown a
4 bunch together, I'll throw out bull sharks as an
5 example. We can walk on them and they could
6 likely withstand more harvest in that aggregate.

7 But I understand you have priorities
8 with prohibited species and species that are
9 taking centuries to rebuild. But that's my two
10 cents.

11 MS. LEA: I did see you earlier up,
12 Rusty. I'm just trying to mix things up a little
13 bit. So Rusty and then I see Lisa.

14 MEMBER HUDSON: Rusty Hudson.

15 Carolyn was right about the scope of
16 what SEDAR has to do. It also includes the Gulf
17 states, the Marine Fisheries Commission in
18 addition to their needs. Some of that stuff was
19 just taken care of recently in both Atlantic
20 states and Gulf states, so the analysts aren't
21 just to the two analysts in Panama City, you've
22 got a variety of them.

23 And of course, keep in mind this body
24 still doesn't vote up like councils do. What we
25 should prioritize is a stock assessment, we can
26 get a consensus and you all may or may not choose
27 to go that route depending on the number of
28 analysts.

29 With that said, I'm going to have to
30 sort of start here at the top on the Northwest
31 Atlantic porbeagle. I had to submit a comment,
32 of course, with regards to the petition on them
33 and one of the things that was missing in the
34 stock assessment was the known nursery or pupping
35 area in the Sargasso Sea. That was not included
36 in that original assessment. Furthermore, there
37 seems to be a lot more porbeagles that have been
38 caught in independent surveys and in other
39 mechanisms that could wind up being utilized in
40 that assessment. So that one definitely is
41 already on the schedule for ICCAT.

42 And then as I move down this list and
43 I look at the sandbar, 55 years, maybe 51 years,
44 just depending on what you got there, but that
45 will change when we do the stock assessment.
46 Because if we do sandbar in 2018 we're going to
47 have eight years of new data, if we have a
48 terminal year of 2017. That's pretty important.

1 That's the longest period we've ever gone with
2 sandbar which was 38 percent of our landings at
3 one point. Now it's a snapshot through this
4 research fishery and I think that we should at
5 least stay at a level with that research fishery
6 to maintain some sandbar data stream.

7 The thing that I see with the sandbar
8 is that it has increased its range and the number
9 of large animals -- I mean, we'll have guys
10 catching amberjacks, getting them to the surface
11 and the sandbars just gang up on them. And some
12 of these guys are fishing out, it's maybe 240
13 foot of water fishing on staples getting the
14 amberjack up in the water and it just -- that's
15 one problem. The mackerel people have noticed a
16 problem with the same proliferation plus the
17 sandbars are being seen as close as three miles,
18 state water off the edge of the coast of Florida.
19 That's unprecedented.

20 Going back in my history and my
21 uncle's history and stuff, back in the '60s, we
22 used to have to wind our red snappers up on the
23 head boat in 60 to 90 foot of water as fast as we
24 could because the sandbars would be coming to get
25 them. But we have to release the red snappers
26 now and we have a problem because, unless they
27 are used with descending devices to be able to
28 reduce mortality, even if they're vented there's
29 a good chance that some of them aren't going to
30 make it to the bottom.

31 You also have a high dead discard rate
32 with sandbar. Somebody said one out of three,
33 that's just unbelievable because, like tiger
34 sharks, nurse sharks and other types of sharks,
35 the adult sandbar sharks are very prolific. And
36 in this you use a 50-pound average, which I
37 assume is a dressed weight average for sandbar,
38 and that's an adult sandbar. And those are the
39 ones that the bulk of that stock goes and over-
40 winters down in Mexico and -- just like the
41 dusky. And then during the February through May
42 period you've got them coming up from Mexico, up
43 the east coast, up the east Gulf, wherever.

44 So those type of things, we definitely
45 -- and there's some other stuff Karyl had brought
46 up to me in the past, what we have to do with
47 full benchmark. And I did forget that we have
48 two modelers that we have to use for the full

1 benchmark sandbar stock assessment in 2018
2 because we have two different models that
3 generally are required. So I can see why you
4 can't do the update for Atlantic blacknose at
5 that point.

6 Of the prohibited species, 19 of them,
7 dusky is, of course, the only one that has been
8 assessed. And thank you for letting me know that
9 we can get the 2015 data in there. The big thing
10 that's not concluded yet is the research fishery.
11 The other stuff is -- has been.

12 There is a concern with regards to
13 this MRFSS/MRIP, recalibration with the AFAIS
14 thing that we're doing, the access point angler
15 intercept survey. We were looking at some huge
16 differences than what had originally occurred and
17 so that can be problematic when we get into those
18 estimates for the recreational discards and/or
19 landings of various sharks. But the thing that
20 is happened is that you have changed some of the
21 stuff and just like the smoothdog a few minutes
22 ago, the ridgeback, if you wound up eliminating
23 that then you're going to have a lot less
24 pressure on that smoothdog, you know, from that
25 recreational component. But you really don't
26 have a problem there, you know, as far as stock.
27 It's not overfished, overfishing.

28 So going on down, scalloped
29 hammerhead, you've got another eight years left
30 on the scalloped hammerhead rebuild plan. And
31 eventually we'll get there. That one, probably
32 about the time we get there we might be able to
33 do hammerheads in general. Focus should only be
34 on two species anymore, scalloped hammerhead and
35 great hammerhead. The smooth hammerhead, as I
36 said, having been a sharkfin buyer, I know where
37 I would see them and they came predominantly from
38 the pelagic longline fleet and they were few and
39 far between. They looked so much like a
40 scalloped hammerhead, unless you got the eye for
41 it it's hard for most people to tell the
42 difference between those two. Great hammerheads
43 is a piece of cake but it's a solitary animal,
44 it's not like the scalloped that's this huge --
45 it's huge darn school, sometimes thousands.

46 As we come on down a little bit more,
47 the blacknose has got 28 more years, Atlantic
48 blacknose, and that's just things to keep in mind

1 here. I believe that that was always a healthy
2 stock, I don't believe it ever had problems on
3 this Atlantic coast. But what Rusty believes is
4 not necessarily what the science information
5 available shows for the managers to deal with.

6 And let's see, blue sharks. That's
7 going to be a fun one for you all, especially
8 when we tag them here and they wind up over off
9 of Africa and stuff like that.

10 And then prioritization, blacktip,
11 Atlantic blacktip definitely needs some
12 observation. I've got a lot of data that had
13 been sat on for six years by Northeast Science
14 Center that never got worked up. We can still
15 work that up, you know, across the next few
16 years, it's just an idea to use that data and I
17 can pull all my sharkfin data and we can access
18 some other sharkfin data, it may give you a
19 better idea. Because generally we kept our
20 records so that we knew where the animals came
21 from. Blacktip Gulf, blacktip Atlantic, because
22 there is a big paucity of landings information
23 for blacktip on the U.S. east coast in
24 particular. That became evident when we did a
25 2006 assessment, Enrique, you know, showed me.

26 Let's see, the other problem, and
27 Jason brought it up about the aggregated large
28 coastal sharks, and correct me if I'm wrong on
29 this, Karyl, but you said you can no longer do an
30 assessment on a complex, that you literally have
31 to do individual species specific. So we have a
32 variety of species that are in that legal to be
33 caught aggregated large coastal sharks. So we
34 ought to take a look at what the landing streams
35 look like that as we move forward with these
36 future meetings and see what we can do.

37 Making the idea of updates known. One
38 of the things that I've learned in my
39 participation in the SEDAR process with some of
40 the earliest updates, some of the earliest
41 models, they wound up requiring some tweaking
42 because of the changes across the decade or so.
43 And any updates that we're going to be doing in-
44 house, dusky might require some tweak. There may
45 be some tweak required for the Gulf blacktip.
46 And I concur with Jason with regards to also
47 being told that the projections that came out of
48 SEDAR 29 where we had Dr. Hester involved and

1 then he passed away and I had to sort of finish
2 observing the process. And then we used all
3 these different variables and we had up to four
4 million pounds as one of the alternatives could
5 be landed commercially. And never in 40 years be
6 able to exceed overfishing or over-fish limits.
7 That's a good thing because that means that -- we
8 got them at half a million pounds. That could
9 actually be tweaked up a little bit in future
10 amendment and be able to make a little bit more
11 availability for domestic-caught Gulf blacktip.

12 Now as far as where we're at on the
13 east coast, unless we can get the state of
14 Florida to open up state waters, which I might as
15 well hope to go to the moon by walking there,
16 that's just not -- we're not going to be able to
17 access the blacktips like we want to. And Karyl
18 had brought up how they're being seen up in New
19 York. Well yes, we always followed them up that
20 way, particularly a lot of mid-Atlantic guys
21 would go and follow and fish them and then work
22 their way back.

23 As soon as the full moon blows, the
24 stuff coming in September, October, a lot of
25 these animals, sandbar, blacktip, dusky start
26 working their way to the south. And then they
27 do, in some cases, over-wintering which gets back
28 to something Scott brought up earlier about
29 straddling stocks.

30 So that's pretty much it. I would
31 prioritize and full benchmark 2018 and any inputs
32 that you need from us with regard to the ICCAT
33 part, the shortfin mega, the blue shark and the
34 porbeagle, I'd be glad to assist with some
35 information there. I can talk to Enrique
36 directly and we'll just see what happens.

37 MS. LEA: Thank you, Rusty. And I see
38 we have Lisa and Mark, but I'm just going to ask
39 because we're getting into public comment time,
40 how many folks are here for public comment, if
41 you could just raise your hand?

42 (Brief pause.)

43 MS. LEA: All right. So a few folks.
44 Okay. So let's go ahead and take the last couple
45 of questions and comments and then we'll get to
46 public comment right away.

47 MEMBER GREGG: Lisa Gregg, Florida
48 FWC.

1 There are -- there is a process that
2 the councils use for data-poor stocks and I
3 wasn't sure what would prevent HMS from using
4 that same process. And what -- or maybe improve
5 upon that process because I believe that it would
6 probably require an SSC and we don't have one for
7 HMS. But and what are the possibilities of also
8 using -- you know, aside from the resource
9 limitations with the two folks that can do the
10 stock assessments and the -- and SEDAR, what are
11 the options of just contracting this out to
12 university to do it? I think that's been done,
13 the councils have done that to -- for one or two
14 species other than -- so I don't know if that's
15 an option also.

16 MS. BREWSTER-GEISZ: So I think
17 Enrique and Dean are looking at some of the
18 methods that have been used for other data-poor
19 stocks. They have something they think will work
20 for sharks and specifically for sharks that they
21 are testing and working through.

22 In terms of the options for
23 contracting out to a university, we have had
24 several stock assessments that haven't been done
25 through SEDAR or ICCAT so the original porbeagle
26 assessment was done through Canada and then the
27 scalloped hammerhead was done through a
28 university as well. So that is always a
29 possibility, I don't think we've thought about
30 contracting it out, it's been something that
31 people have come to us saying we're doing this
32 and we need the data. And that's part of the
33 problem, is getting somebody access to all the
34 raw data in order to do the assessment and to
35 know what species, what data to include. And a
36 lot of that would be missed if it's not in the
37 public format of the SEDAR.

38 It's still something we can work
39 through, it's just something we'd still have to
40 think about.

41 MEMBER GREGG: But if you contracted
42 them, couldn't you give them access to the data?

43 MS. BREWSTER-GEISZ: Yes.

44 MS. SCHULZE-HAUGEN: If it's a
45 contract, yes, that is performing a service on
46 behalf of the agency. One of the complications
47 is the expertise is not widely available,
48 although I think it is out there. And the

1 process that's used. In the cases where we
2 didn't follow the ICCAT or SEDAR process and
3 still used that assessment as the basis for
4 management we got a lot of criticism that it
5 wasn't a public process and the data wasn't --
6 you know, the benefits of the SEDAR full open,
7 transparent process were missed. So it's one of
8 the considerations. How that balances out with
9 not having an assessment at all is something that
10 we're looking at.

11 MEMBER GREGG: One final comment. But
12 why could you not contract out doing it, doing
13 the stock assessment but including public access
14 and interactions from the public? I mean, to me
15 those are just contract conditions on a contract
16 that you could write in any contract.

17 MS. LEA: Rusty, it looks like you
18 have a specific quick comment just to that.

19 MEMBER HUDSON: Specifically we had to
20 spend \$100,000 to bring in Dr. Butterworth and
21 Rebecca Rademeyer in order to set a SEDAR-like
22 precedent for a rec fish assessment that we
23 concluded. And we actually doubled the
24 allocation and it's something that industry has
25 also thought about bringing in either a person of
26 the caliber of Dr. Butterworth and his assistant
27 or Mark Monder has already verified to me that he
28 would be glad to be involved and then he would
29 work with our scientists. Back again to using an
30 industry, you know, advantage.

31 Now what would we use it on? That's
32 a good question because when we get to the full
33 benchmark on sandbar I'd like to probably look
34 into not only having our scientist but maybe
35 another scientist that I can get into the SEDAR
36 pool maybe like Dr. Monder.

37 So the precedent is there with John
38 Carmichael, and the SEDAR group. And Carol can
39 probably elaborate a little bit more because
40 she's on the SSC and it's the type of thing that
41 we had to work through the SSC for a great while
42 in order to be able to get this whole thing done.
43 So just an idea that maybe we can look into.

44 MS. LEA: Karyl, did you want to talk
45 specifically about that?

46 MEMBER BELCHER: Yeah, just to that
47 point. That was the one benefit, unfortunately,
48 that HMS doesn't have with the SSC because the

1 SSC basically was the review body. Dr.
2 Butterworth had approached us, we set down terms
3 and references very similar to what you go
4 through when you're actually involved in a SEDAR
5 approach. They went through, they did the
6 assessment, came to the SSC. The SSC had to
7 input as to things in the interim that could be
8 addressed and then we basically looked at the
9 overall product and determined if the council
10 could use it.

11 Wreckfish was kind of one of those
12 unique species because it tends to be a specie
13 that's going across boundaries. It wasn't just a
14 south Atlantic stock, it was also in the
15 Caribbean as well as in an area outside of the
16 council management. So there was information
17 that Dr. Butterworth was using in a different
18 model type to be able to do that. So but that
19 was one of the big things, the scientific review
20 was held by the SSC.

21 MS. LEA: Thank you.

22 MEMBER HUDSON: With that said, this
23 is one thing we've requested for several years
24 running, two meetings a year, is some type of
25 SSC-like mechanism for our science that is
26 involved here. I think it would be a good airing
27 publicly and give us a greater faith in the
28 product that's finalized. Thank you.

29 MS. LEA: All right. Thank you.
30 Mark, we haven't forgotten about you. Go ahead
31 with your question.

32 MEMBER SAMPSON: Thank you. Yes, Mark
33 Sampson.

34 Just quickly, you know, as the
35 discussion revolved around the potential of
36 increasing the sandbar numbers in the research
37 fishery, I can't help but think -- or I'm
38 reminded of the fact that, you know, from
39 recreational fisherman's standpoint sandbars
40 remain a prohibited species.

41 I wouldn't be asking for more sandbars
42 for the recreational fishery, I don't think we
43 need them. I don't think they have to be in our
44 fishery. But it's -- when I look at what's been
45 going on in the recreational fishery, shark
46 fishery, we're losing opportunities to harvest if
47 we want to, even though the guys probably don't
48 want to. But you know, let's just say

1 hammerheads, 78-inch fork length minimum size.
2 Okay. For the most party that takes the average
3 caught hammerhead out of the recreational
4 fishery. The average guy's not going to catch a
5 hammerhead that big. Commercial fishermen can
6 still harvest them, okay, but we can't.

7 We have a 54-inch fork length minimum
8 on most of the other sharks. Blacknose, we will
9 never catch a 54-inch fork length blacknose, they
10 just don't get that big. But there is a
11 commercial fishery for them, okay? Sandbars, we
12 can't touch them. In Virginia, Maryland,
13 Delaware, New Jersey, until July 15th, we cannot
14 harvest any sharks except blue sharks, makos,
15 threshers and sharpnose, if they're up by then,
16 okay? The blacktips, spinners, hammerheads,
17 whatever, we can't touch them but the commercial
18 fishermen can if they're -- whatever.

19 And I'm not getting into whether or
20 not the commercial fishermen should or shouldn't
21 harvest these fish, I'm just talking about us.
22 It seems like the recreational shark fisherman is
23 being weaned out of potential for the
24 participation in this fishery, you know? I mean,
25 species like the hammerheads and the sandbars and
26 all that, they're not important to us. The
27 tigers, which we can still take after July 15,
28 they're not that important. And yet, just
29 because they're not important and nobody's -- you
30 know, if you try to take our makos from us
31 everybody would be, you know, squeaking. I mean,
32 the wheel would be squeaking loud.

33 But while these other species are not
34 as important us there are people out there who
35 they are important to and who I think, as far as
36 the recreational fishermen, they deserve -- if
37 they're going to be open to harvest within the
38 recreational fishery, consideration should be
39 given to the commercial fishery as well. What am
40 I saying? If they -- they should be open to the
41 commercial fishery they should be given
42 consideration to the recreational angler as well,
43 okay?

44 It just seems like the movement is
45 going to, let's open this up for the commercial,
46 this up for the commercial and the recreational
47 angler is just being forgotten. And I just want
48 to squeak the wheel a little bit, okay, to let

1 you know we're still out here and we're paying
2 attention to this. And at some point it might
3 not just be me kind of reminding you, it might be
4 the rest of the gang saying, hey, what are you
5 doing to us? You know, where are we at, how did
6 this happen?

7 Okay. So that's all.

8 MS. LEA: Thank you, Mark. And it
9 looks like Mike put up his card as well. If you
10 could be brief because we really do want to get
11 to the public comment. And that will be the last
12 comment we'll be able to take on this one.

13 MEMBER SISSEWINE: Okay, very
14 quickly. The idea of having a contractor or
15 having an external scientist like Dr. Butterworth
16 involved I think is great. I think it should be
17 welcome. But my experience is that it doesn't
18 necessarily make the process any quicker. When
19 you go through all the various checks and
20 balances and peer reviews and public
21 participation, no matter who you get involved it
22 still takes a long time.

23 And with that in mind, I think we just
24 have to be realistic about how much we're
25 expecting out of the science. I mean, we're in
26 essence asking scientists to make some pretty
27 bold determinations like this is overfished or it
28 isn't, with some specific quantitative threshold
29 measured to the pound from rather limited data in
30 many cases. And I think so long as we have these
31 sort of expectations that are sort of set by a
32 legal view, without any particular connection to
33 the realities of what the -- how nature actually
34 acts and what the limits of science are we're
35 going to be in this dilemma of not being able to
36 produce as much as we want.

37 The idea of having criteria for
38 prioritizing assessments I think is a good idea.
39 When I look at those they're not going to help.
40 If you want to do an assessment I can figure out
41 a way to justify it based on those criteria no
42 matter what the assessment is. There will always
43 be somebody who is interested or some unknown
44 about the stock or some intrinsic value or some
45 ecosystem role or whatever. So I think it is
46 going to be a difficult job to actually make
47 those things particularly useful.

48 I get a little worried about the

1 constituency demand as being a driver and, in
2 fact, the presentation emphasized the importance
3 of constituency demand. My experience is that
4 constituents demand a new assessment when they
5 don't like the one that's on the table. Either
6 they're on the environmental side and they think
7 it's too optimistic or they're in the commercial
8 fishery side and they think it's too pessimistic.
9 That's not the reason to do a new assessment. It
10 may be a consideration but it's the sort of
11 situation that I've experienced leads to going
12 with a -- for a long period of time without
13 reassessing a stock when everybody's happy. And
14 then finally when somebody decides, well, it's
15 time to do it, finding out that the assessment
16 was wrong and we're facing a catastrophe because
17 of how bad the situation really is. That's when
18 it's actually really playing out right now in New
19 England on codfish.

20 So I'd be concerned about, you know,
21 just saying well, we don't need to do that
22 because everybody's happy because that might not
23 be the reality of what the situation is. Thank
24 you.

25 MS. BREWSTER-GEISZ: Thanks, Mike.
26 So I just want to point out a little
27 bit about how these factors are used. So some of
28 them like the commercial fishery importance is
29 actually an equation. So based on the results of
30 the equation you would rank it between one and
31 five. Others like constituent demand, and the
32 reason I focused that here is because that would
33 be what you guys all are, is what your demand is.
34 You do rank between one and five. Once you've
35 ranked all of these fourteen factors between one
36 and five, and some of them are equations and
37 therefore will have a set result, others are a
38 little bit more general like the role in the
39 ecosystem, is whether it's a bottom-up or a top-
40 down fishery. It then takes the managers and
41 scientists to rank within those and decide which
42 ones are the most important. Is commercial
43 fishery importance a higher priority than
44 constituent demand? You multiply that out and
45 you add it all up. So it's a very complex issue.
46 It's not as easy as commercial fishery importance
47 is as equal to constituent demand is as equal to
48 stock variability.

1 So I don't want anybody to walk away
2 that it's just fill in a number, one, two, three,
3 you're done, you then prioritize it. It requires
4 a lot of going back into the actual data to look
5 at it.

6 MEMBER SISSENWINE: You mention on the
7 ecosystem side, it considers it whether it's
8 bottom-up or top-down control, which is better?
9 Which gets you more likely to do an assessment?
10 I would like to know what the answer is on that.

11 MS. BREWSTER-GEISZ: If it is a truly
12 bottom-up species or a truly top-down species
13 they both get a rank of five. And from there you
14 end up going down to a rank of one. So the
15 examples that they gave would be krill and
16 menhaden as bottom -- the bottom whatever it is.

17 MEMBER SISSENWINE: Bottom-up.

18 MS. BREWSTER-GEISZ: And then they had
19 for an example of marlin being a rank of four.
20 It's not quite at the five rank but it's not down
21 as one.

22 MEMBER SISSENWINE: But the marlin
23 control of the ecosystem must be almost nil, even
24 though it's a top predator. It's almost nil in
25 terms of control of the ecosystem.

26 MS. BREWSTER-GEISZ: I just wanted to
27 give some examples.

28 MEMBER SISSENWINE: Sorry.

29 MS. LEA: All right. So thank you for
30 that discussion.

31 We were -- Carolyn?

32 MEMBER BELCHER: Yes, I was just going
33 to speak to Mike's comment as well. The SSC in
34 the south Atlantic is the only one I can speak
35 to. But we did try to do that type of ranking
36 approach, especially for our data-poor species,
37 and you'd be surprised how much everything clumps
38 together. We had a very hard time getting things
39 away from an average ranking, that was almost on
40 top of each other. And we had easily 15 to 20
41 different criteria points. It was an exercise
42 that we did probably two or three meetings ago.

43 But just so you're aware that, yeah,
44 it would be nice if the divisions came up nicely
45 but they generally tend to blend out across the
46 extremes.

47 MS. LEA: Thank you for that addition.

48 All right. So we're going to public

1 comment. Marcos, I saw that you had -- did you
2 have a comment for this topic or for public
3 comment? For public comment?

4 MEMBER HANKE: Public comment, yeah.

5 MS. LEA: As a panel member? I'd
6 rather try and take your comments as --

7 MEMBER HANKE: The thing is, it's not
8 on the agenda but I think it's appropriate to
9 make a comment before we go to public comment
10 then. It's possible?

11 MS. LEA: So yeah, why don't you?

12 MEMBER HANKE: Okay. Thank you.

13 For a long time I didn't attend to
14 those meetings and -- but I have been working
15 through the council and through other bodies like
16 the AP for the DNR of Puerto Rico. And I submit
17 this morning to Margo a letter addressing the
18 quotas for the Caribbean, shark quotas for the
19 Caribbean and the big problem that we are facing
20 in the Caribbean.

21 I'm going to summarize what the letter
22 says, I just want the body to know what is going
23 on. Puerto Rico, the way it is right now Puerto
24 Rico adopt the HMS regulation on territorial and
25 federal waters. No quota is established for the
26 Caribbean and that's one of the reason there's
27 not many people asking for -- I'm talking about
28 shark quotas -- for this permit. You know,
29 that's something that is making that movement
30 that we made a long time ago to address some
31 problems with tuna and swordfish in the Caribbean
32 for the legal catches and reports to be sold.

33 Right now without the quota of sharks
34 people are not asking for the permit. And I want
35 to stress out that Puerto Rico is very -- and the
36 U.S. Caribbean is very different than the Gulf
37 and Florida for the common species, the
38 availability and the size and all the aspects
39 that you guys are analyzing on your regions. And
40 that have to take -- have to be taken in
41 consideration.

42 And also in the Caribbean, most of the
43 shark landings are incidental. You know, people
44 are not specifically targeted them but is
45 important part of the fishery for some of the
46 folks. There's a small group of anglers and/or
47 commercial fishermen that target sharks. One of
48 the problems that we face in the past is that the

1 interaction between federal and territorial
2 regulations had been not so good. And those
3 loopholes have to be fixed and I am engaged on
4 that.

5 I have just received email from the
6 person in charge in Puerto Rico to add the simple
7 element on our state regulation or territorial
8 regulation in which demand, or make sure that
9 persons that are engaged in shark fishing have to
10 own the license, HMS license, whatever permit
11 they decide to have which is not the case now.
12 The way it is is that the language says that we
13 should follow the regulations but is not
14 demanding the participants to own the license.
15 And we want that to be in place, that I think
16 we're going to clarify some of the problems that
17 we have in the past.

18 There is a big need to request, and
19 this is the industry around Puerto Rico. As a
20 council member I am exposed to those comments, to
21 request a small quota for the Caribbean, a small
22 vessel permit. Another thing, I want to use this
23 body because we don't have -- for me it is very
24 funny because the guys addressing the issues of
25 data-poor or that you don't have data, we don't
26 have data in the Caribbean, okay? And just what
27 Lisa says is, when you guys address the Caribbean
28 issue you really need to consider to manage as a
29 multi-species and as a group. Because I don't
30 see any other way to manage any species there,
31 including sharks. That have to be addressed.

32 I'm just emphasizing on her point and
33 I agree with her. And also people like me, the
34 way I operate on my charter, I'm fishing from the
35 shoreline to the dropoffs to deep water and I
36 interact with sharks. I'm talking about sharks
37 now. And I get really nervous about opportunity
38 lost not using people like me to collect at least
39 a baseline data. And I'm available to any of the
40 academia, anybody that wants to use me as a
41 resource to get this data. And there will not be
42 a dock history, you know, or something that I'm
43 telling a tale. But I'm telling you we're going
44 to have a little more scientific base to discuss
45 and to do the things the right way.

46 That's my point. Thank you.

47 MS. LEA: Rusty, briefly? Yes.

48 MEMBER HUDSON: Thank you, Marcos.

1 One thing that I know about dealing
2 with some of the sharks I've seen across the
3 decades, in their region they don't have a
4 problem with, in my mind, the Caribbean sharpnose
5 or the Caribbean reef shark but both are
6 prohibited. And of course, they've never been
7 assessed individually. The Caribbean sharpnose,
8 of course, is relevant to the Caribbean. Florida
9 always took the position that we only had
10 Atlantic sharpnose and of course our Caribbean
11 reef shark component is really only found in
12 south Florida. That's it. The rest of the
13 nation, except for the territories there. And so
14 I don't know how you work that out.

15 But that's one of the things that you
16 were bringing up, you wanted to understand the
17 visual ID's for these kind of sharks and not get
18 confused by them, and I'd be glad to help you on
19 that. But yeah, I've always felt like one size
20 doesn't fit all. And the prohibited species
21 status, we supported the ninety-seven of the five
22 original sharks, yeah. Fourteen that were added
23 on thereafter, we had problems and it's affecting
24 people like them and I'd like to help them.

25 MEMBER HANKE: I would just like to
26 make a comment and try to give you a perspective
27 of the magnitude or how abundant those sharks,
28 the Caribbean reef sharks are and some silky on
29 the same scenario. Out of 60 to 80 trips I do a
30 year to the area where they are very abundant,
31 which is close to the dropoff in 130 to 170 foot
32 reefs and pinnacles there is no day that you
33 don't interact with them. And usually I can
34 count up to 20 until you hook up the first one.
35 If you don't bring the yellowtail, the grouper,
36 whatever from the bottom quick enough you don't
37 catch it. The problem is that I have to take the
38 rod from clients to retrieve fast enough for them
39 to eat something, you know. They are everywhere
40 there.

41 And I'm very aware of the biological
42 aspects and how delicate it can be and so on.
43 But the Caribbean is different. And I'm asking
44 for this body to consider that, that we are
45 dealing with something very different than what
46 you guys deal here on the upper states. Thank
47 you.

48 MS. LEA: Thank you, Marcos.

1 All right. So let's now move to
2 public comment. So I'm going to ask if you have
3 a comment to make -- on, one more.

4 MEMBER KELLY: This topic wasn't
5 addressed in the agenda earlier but I would like
6 to bring up the possibility and acquire more as
7 to making it legal to prohibit a -- the
8 prohibition of landing an HMS species that has an
9 electronic tag on it of any kind.

10 MS. LEA: All right. Yeah, that
11 might be something that you could raise tomorrow
12 during one of the discussions then. All right?

13 MEMBER KELLY: Thank you.

14 MS. LEA: All right. So let's go
15 ahead and move to public comment and then we have
16 a few people that want to make public comments.
17 So we'll start with the gentleman with his hand
18 up. If you could please come forward and then
19 state your name and any organization that you're
20 with or region that you're from. Tell us a
21 little bit about yourself and then go ahead and,
22 you know, tell us what you want to tell us.

23 MR. FRIEDEL: Thank you. My name is
24 Rav Friedel, I'm from Montauk, New York. I'm a
25 recreational fisherman.

26 I want what everybody in this room
27 wants, sustainable fisheries. That's why I came
28 here. You can help the shark mortality, survival
29 rate with a gear change. I'd like to read this
30 so to you.

31 "The people of the state of New York
32 represented in Senate and Assembly do enact the
33 following: Sharks, excluding spiny dogfish, shall
34 not be taken for commercial or recreational
35 purposes by baited hooking except with the use of
36 non-stainless steel, non-offset circle hooks.

37 "In addition, no person shall conduct,
38 sponsor or participate in any shark tournament
39 unless said tournament rules and regulations
40 require the exclusive use of non-stainless steel
41 and non-offset circle hooks."

42 That was signed into law probably as
43 a professional courtesy by Governor Cuomo last
44 September. It sunsets at the end of 2016. Pat
45 Augustine has a recommendation to improve upon
46 that and I'm sure others could make improvements,
47 too. One thought that I would have would be one
48 hook per line. Circle hooks do make a

1 difference, they do help the survival of sharks.
2 And most especially in the shark tournaments,
3 these are not food fishermen, these are guys
4 plopping down \$5000 in multiple Calcutta bets,
5 walking away with \$400,000, \$500,000 on the head
6 of a dead shark that winds up in a garbage can.

7 So I'm here today to just help those
8 99 percent of the sharks that these guys are
9 cutting loose to ask and to tell you that I
10 support the words that I heard some others say
11 today, for circle hooks for all shark tournaments
12 at the very last, and for shark fishing
13 nationwide. Thank you very much.

14 MS. LEA: Thank you very much. All
15 right. Do we have additional -- there was a
16 couple more people that wanted to make public
17 comment?

18 Gentleman in the green shirt? Glen?

19 MR. HOPKINS: Glen Hopkins, longline
20 fisherman out of North Carolina.

21 Logbooks, permits, observers, closed
22 areas, trip limits, report cards, Coast Guard
23 strict exams, Coast Guard strict boardings, no
24 fins intact on landing sharks. Research area box
25 required to call in every trip beforehand in case
26 an observer is available. I think that's been in
27 effect for at least five years to date, not one
28 single observer has ever been put on a boat yet.
29 But yet you can be penalized if you do not call
30 in ahead of time.

31 Electronic reporting, vessel
32 monitoring system which I call my ankle bracelet.
33 Turtle classes required, turtle placards
34 required, circle hooks. I'm sure some of the
35 other guys in the room could add to this list but
36 it's -- oh, we forgot the cameras. Let's not
37 forget those, we can't make a trip if the
38 camera's not working.

39 I just want to point that out because
40 I think it gets lost -- I've been doing this a
41 long time. I think when I first started I was in
42 Shark Operations Team and Margo was an intern
43 when we first met. But it's just been a long
44 litany of sacrifice, sacrifice, sacrifice. It's
45 just time for the pendulum to swing the other
46 way. I mean, every other country in the world,
47 fishermen are respected for what they do. They
48 provide food for the people. This isn't -- we're

1 commercial fishermen, it's not like a sport, you
2 know, we want to catch this. We're providing
3 food for people to eat.

4 My little operation of a little 46-
5 foot boat, I calculate I've fed 180,000 people a
6 good meal this past year. That's something I'm
7 proud of. I'm just fed up and I'm -- I don't
8 know if any of you have gone to the circus or to
9 zoo and looked in the eyes of a wild animal
10 that's been tamed. That's what our eyes are
11 starting to look like. I'm tired of jumping
12 through those hoops. Another hoop, another hoop,
13 another hoop. Even today was being presented
14 some more hoops we've got to look forward to.

15 I mean, enough's enough. And I think
16 I speak for a lot of people, we're just fed up.
17 Oh, we've got to have placards on there, too.

18 Anyway, that's my rant on that. And
19 I'm just frustrated and there's a lot of things
20 that are going on that -- especially this camera
21 thing, it's obvious that we're going to have
22 problems with that. And I don't think anybody in
23 this room is willing to give up a week of their
24 income or it could potentially be a month's worth
25 of income. We get all ready to go, you load up
26 with \$5000 worth of expenses and you turn the
27 camera on and, oh man, it's not working, we've
28 got to wait to the docks. You're going to lose
29 that, you're going to lose the time.

30 There's some -- you know, a lot of --
31 they've worked with us so far but I don't know
32 how long that will last. And it's stress,
33 everything.

34 Please let the pendulum swing, let's
35 get a little something for our sacrifices or pick
36 on somebody else, for crying out loud. And I
37 know probably half the people in this room are
38 glad to hear these results but I know half of you
39 are with us and appreciate that.

40 Getting on to just a couple of things
41 that were mentioned today. The bluefin tuna, the
42 quota allocation thing is going to get
43 complicated. We've been lucky so far this year,
44 it hasn't. One thing I'd ask you all to look at,
45 if there's any way you can possibly do some kind
46 of carry-over to make -- from a business
47 standpoint, you know, how much quota do we have
48 to acquire? You know, and then at the end of the

1 year it's all gone, you've got to start over
2 again. If we could have some kind of carry-
3 over, 50 percent or something to just make it a
4 little bit easier to calculate how much quota we
5 need to try to get our hands on.

6 And I definitely would support the
7 sandbar being the next stock assessment species,
8 just from a standpoint of at least now we are
9 able to catch some blacktips. But you know, the
10 way it's set up now we can't touch the sandbars.
11 So I think that would be first and foremost on
12 the list after the duskies.

13 And the mahi issue, I understand that
14 the paperwork and everything was in place to have
15 approved this upcoming amendment which may be
16 approved this coming week or couple weeks or
17 something. Was available in September of last
18 year. And I just -- I do have a question. Who
19 dropped the ball on that? Why did we have to go
20 through this when it could have been approved
21 ahead of time before the mahi season?

22 MS. SCHULZE-HAUGEN: So we don't
23 manage mahi. Anna Beckwith from the South
24 Atlantic Council may be able to answer your
25 question on that.

26 MEMBER BECKWITH: Yeah. So we
27 approved it in the September meeting, then I
28 believe National Marine Fisheries, because of the
29 backlog of amendments not taken up until
30 December. We are closing out the 60-day comment
31 period on September 14th. National Marine
32 Fisheries is planning on, I believe, not giving
33 up the cooling off period. The cooling off
34 period to get it enacted faster. But it was an
35 issue with the backlog at National Marine
36 Fisheries of too many amendments coming and that
37 was not the priority amendment. Hindsight's
38 20/20.

39 MR. HOPKINS: I understand. It didn't
40 cost me a fortune because I wasn't targeting
41 them. But who knows, probably on \$3000 or \$4000
42 I lost on account of it. I think we had a
43 similar thing with the mako several years ago
44 where it was just a matter of paperwork thing,
45 and we had to release dead makos, release live
46 makos. And you know, it's oops or man, I'm sorry
47 this happened, but I mean, it's money out of our
48 pocket. I don't think anybody here would want to

1 go -- you know, go to their employer on Friday or
2 whenever you get paid and say, oh well, you know,
3 you're not going to get paid today. It hurts.
4 And we're just getting fed up. I mean, it's just
5 -- I guess that's all. I don't have anything
6 constructive to say so I'm sorry. But thank you.

7 MS. LEA: Thank you very much, Glen.

8 All right. We're going to move on to
9 the next public comment. It's only public
10 comments so we can't really have exchange now.
11 Sorry.

12 Do we have additional public comment?
13 Yeah, oh, okay.

14 MR. ENGLISH: Hi, my name is Steve
15 English, I'm from south Florida. I'm trying to
16 represent the Spanish mackerel fishermen that
17 fish out of Cape Canaveral, from Cape Canaveral
18 down to about Fort Pierce.

19 The issue I'm here to discuss is the
20 bycatch of the small coastal sharks that we're
21 not going to be able to land, we're going to have
22 to throw them over and waste them strictly due to
23 regulatory actions. I think there's a solution
24 to this, I think we can come up with a solution
25 to this. And I hope that maybe I can come up
26 with something constructive for that.

27 I wrote a letter because I was under
28 a lot of -- I thought a lot of things that
29 weren't true. And I -- in speaking with folks
30 today I found out that my letter was probably a
31 waste because a lot of the things I thought
32 weren't true.

33 Number one on it, I guess I was under
34 the impression that since we can manage the large
35 coastals in increments and during the year we can
36 change landings, we can change dates, we can do
37 whatever we need, I just assumed that small
38 coastals were the same way and I was told that's
39 not the case. That small coastals have no -- you
40 can't do that. It's a three-year process to get
41 something done with small coastals. Number one,
42 I think that needs to change. I think we ought
43 to be able to manage them just like we do large
44 coastals.

45 To have the flexibility to be able to
46 manage it when we come up with a problem like
47 we're faced with now we can cure it. The problem
48 we're faced with right now is that we kept the

1 blacknose tied to the small coastals. The
2 blacknose are stressed, there's a minimal
3 landings, about 30,000 pounds. They were left
4 through management that they could be a targeted
5 resource with no trip limits on them. None at
6 all. So someone could go out and catch 20,000
7 pounds a day if they wanted to. Well, they were
8 caught up in about two weeks and that's -- when
9 that happened, of course that closed a small
10 coastal shark fishery which has about 50 percent
11 of the quota left. I think it was 56 percent the
12 last time I checked, a couple weeks ago.

13 So what we're faced with is in the
14 Spanish mackerel fishery, we catch the small
15 shark -- a lot of the Atlantic sharpnoses and all
16 along with our mackerel. And when we catch them,
17 if we can't land them we've got to throw them
18 back dead on the bottom of the ocean. There's no
19 reason for this. It's uncalled for. Just
20 because of measures we put in place and
21 unforeseen things happened to cause this. Those
22 small coastal sharks, of course, aren't
23 overfished, they're in good health.

24 I'd like to come up with a solution to
25 be able to land these sharks rather than throw
26 them back on the bottom dead. And the only
27 solution that I can think of, and after talking
28 with everybody, that we could possibly come up
29 with is to possibly make the December -- the
30 October to December Spanish mackerel fishery off
31 the Cape in that area, an experimental fishery
32 and allow us to land these sharks that are just
33 going to get thrown over dead. Rather than just
34 have a total waste of this product.

35 We don't catch many of the blacknoses
36 at all that time of year to begin with, but
37 whether we land them or not is not going to
38 affect whether we catch them or not. You know,
39 we're not targeting these fish, these are just
40 things we're catching along with our mackerel.
41 So to waste this resource, to me, is just
42 uncalled for. So I would ask that possibly that
43 -- I'm told there's no way we could put any rules
44 in place for a long time to cure this problem.
45 So maybe give us an experimental fishery for this
46 little section for this little time of the year
47 to allow us to land these small coastal sharks.
48 You'll have all your scientific data you need, we

1 won't be wasting the resource. And then over the
2 next two or three years that the process takes to
3 cure the problem we've created, maybe we could
4 come up with a permanent solution for this
5 situation.

6 And I guess that's basically what I'm
7 here to ask for.

8 MS. LEA: Thank you very much.

9 Any other public comment?

10 (No response.)

11 MS. LEA: Anyone on the phone, the
12 webinar?

13 (No response.)

14 MS. LEA: No, okay. All right. So
15 we're going to go to the last session which is a
16 breakout session. So again, the bluefin
17 discussion will continue on over in that room
18 over there. The recreational discussion will go
19 here since there is a need for projections
20 systems, things like that.

21 I also wanted to just quickly mention
22 the idea, you know, several people around the
23 table have noted, you know, a desire to kind of
24 talk about some of the broader issues, the bigger
25 issues that don't always get discussed under the
26 time constraints and the on-the-record kind of
27 format as we have here. And so -- and you know,
28 people come from some very different perspectives
29 on the panel. So I was thinking it might be neat
30 to have a facilitated dinner some night, a lot of
31 you are here, you know, you're not local so
32 you're here anyway. So you know, we could have
33 it downstairs and it might be a nice chance for
34 people to explore some of these broader ideas in
35 a more exploratory fashion.

36 So think about that. If we have at
37 least a half dozen folks up to maybe a dozen, too
38 much more it's going to get maybe too big. But
39 if there is an interest in that I would, you
40 know, be happy to stick around and help do that.

41 So if the rec discussion folks could
42 stay here and the people that want to continue on
43 with Amendment 7 could go into that room, we'll
44 continue along with the queue that we have going.
45 And I'll meet you over there in a minute.

46 (Whereupon, this session was concluded
47 at 5:21 p.m.)
48

A			
	137:2	81:38 107:2 142:18	administrative 63:26
\$1 23:11 26:35 33:37	ABTA 78:21,40	142:22	65:43 67:31,39
\$1.2 54:38	abundance 120:41	actively 57:43 71:37	administrator 3:13 4:43
\$100,000 150:20	abundant 158:27,30	83:24	76:39 95:3 103:13
\$1000 55:1	academia 58:20 157:40	activities 4:12 10:1	admit 104:5
\$13,000 54:48	academic 8:2,17	20:26 49:45 58:25	admitted 54:11
\$20 26:14 30:15 32:27	accent 139:12	90:43 93:19,22,23	adopt 53:12 156:24
37:22,26,41 41:44	accept 124:30	activity 35:1 44:1 47:17	adopted 10:2
\$200 32:28	accepted 54:14 141:33	70:24	Adoption 4:10
\$3.14 72:46	access 10:24,25 33:41	acts 34:10 51:7 153:34	Adriance 2:4 7:33,33
\$3.67 72:48	34:22 40:19 43:42	actual 27:26 37:6 90:46	47:46 143:39
\$3000 162:41	46:24,25 110:41	105:11 124:8,9	adult 145:35,38
\$4.50 73:2	146:14 147:17 148:17	137:42 155:4	Advanced 106:31
\$400,000 160:5	149:33,42 150:13	adapt 77:32	advances 84:45
\$4000 162:41	accessible 91:33	add 33:36 45:8 48:8	advantage 14:47 61:1
\$450 53:14	accommodate 113:14	61:14 121:33 123:13	150:30
\$500 52:23 53:27	accomplish 31:1 40:12	128:35 143:23 154:45	adverse 25:17
\$500,000 54:40 160:5	accomplished 24:32	157:6 160:35	advertise 60:47
\$5000 54:21 160:4	accomplishing 34:42	added 80:29 158:22	advice 95:22,23
161:26	account 68:7,31 71:40	adding 74:40 140:6	advised 51:38 54:21
\$5985 51:41	99:37 112:5 162:42	addition 34:44 39:13,17	advisement 56:37
\$6.00 46:37	accountability 68:2,10	112:17 131:36 144:18	Advisor 76:42
\$750 54:13	accountable 68:14	155:47 159:37	advisory 1:10,23 4:7,27
\$800 33:37	accounted 68:1 71:34	additional 31:18,20,37	4:33,40 5:17 6:4 7:2
A-7 38:29 40:7,20 43:28	71:43 79:6 112:16	43:46 44:10 64:3	14:7 16:27 88:28,29
43:34 63:36	accounting 67:42 68:16	68:31,47 71:48 74:34	107:4 122:33
a.m 1:25 6:2	accounts 13:48 69:46	112:11 115:13 122:19	aerial 8:4
A/C 9:1,2,3	70:22 83:14	122:40 128:35 160:15	AF AIS 146:13
A5B 118:10	accrues 68:11	163:12	Affairs 15:36 88:7
A9 131:13	accurate 81:13	address 23:31 29:4	affect 16:7 20:3 90:3
abbreviate 48:22	accurately 85:44	31:3,7 32:4,12,42	132:3 164:38
abbreviated 61:22	achieve 21:23 45:12	33:23,40,47 35:30	affiliations 6:44
91:23	80:1,5	36:18,25 40:21 41:31	affixed 9:42
abide 122:30	achieved 40:37	48:41 50:41,42 54:33	afford 82:20
abilities 77:1	achieving 81:22	56:6 58:10 66:11,13	afloat 86:3
ability 10:45 25:33	acknowledge 85:45	93:34 106:22 121:2	afoot 85:37
45:12 76:3 82:40	acknowledgement 9:31	123:34 156:30 157:27	Africa 147:9
83:27 90:32 94:39	acknowledging 43:33	addressed 33:10 36:4	afternoon 8:35 11:12
97:28 137:46	ACL 105:8	50:47 151:8 157:31	11:22 15:47 74:34
ABK 75:47	ACLs 121:1,3	159:5	80:16,24 85:35,40
able 20:12 22:48 27:39	acquire 81:44 82:45	addresses 31:6	87:37 91:45 105:42
28:48 31:2 43:1 47:24	159:6 161:48	addressing 29:30 30:35	138:32
49:30 54:35 59:9	across-the-board	33:32 34:21 89:18	agencies 19:38 22:8,46
68:29,30 70:29 76:2	64:29	90:11 156:17 157:24	22:48 55:41 58:4
80:2,6 82:20,45 83:5	act 4:18 15:8,9 19:32,48	Adjourn 5:19	88:26,31,31,33,33
83:28 84:26 88:42	20:17 36:36 44:10	adjust 10:45 11:10	99:20
94:6,10,20,22,31,37	54:27 65:43 118:5	67:46 107:24 111:7	agency 12:42,43 15:13
98:40 99:5 102:14	132:5,6,7,25,44	adjusted 10:32 11:4	15:29 16:18 18:25
105:2,8 113:7 118:33	acting 9:1	64:15,28 108:24	22:13 36:32,35 39:14
123:8,46 145:27	action 10:40 15:21	109:16 111:20 112:19	46:27 47:32 63:30
146:32 148:6,10,16	50:42 56:33 72:2	112:48	65:29 67:28,36,40
150:42 151:18 153:12	88:34 112:33,37,43	adjustment 112:4	74:48 75:36 77:31
153:35 162:9,24	115:48 120:47	adjustments 63:27	78:38 79:34 89:13
163:21,43,45 164:25	actions 4:15 9:27 11:11	64:29 109:3	95:7,46 96:31,41
aboard 44:4	24:29,33 31:36 50:33	administrate 46:7	97:17 98:25 99:15
absence 83:8	62:42 64:34 123:5	administrated 46:28	102:2 138:1,5 141:7
absolutely 61:13 78:34	163:23	administration 1:2	149:46
85:21 114:13 136:19	active 55:12 80:45 81:3	91:19 97:36	agency's 95:48 96:8

agency-wide 99:29
agenda 4:10 90:5,17
 156:8 159:5
agendas 90:36
agent 51:26,28 52:28
 52:34 54:5
agents 50:1
aggregate 144:6
aggregated 11:15
 108:8 109:7,23
 111:35 144:1 147:27
 147:33
aggressive 81:34 91:2
ago 10:2 38:20 42:30
 42:39 59:42 81:19
 90:43 103:33 108:26
 125:39 138:20 146:22
 155:42 156:30 162:43
 164:12
agree 75:17,24 80:35
 88:40 124:13 157:33
agreed 51:41 78:27
agreement 23:10,23
 51:46
agreements 81:36
Agriculture 22:14
ahead 6:9,33,34 8:24
 8:29,40 15:20 16:24
 21:1 61:21,35,43
 78:13 86:6,8 87:4
 88:44 104:11,15
 113:23,46 115:14,25
 116:33 131:8 143:21
 148:44 151:30 159:15
 159:21 160:30 162:21
air 57:35 124:2 139:43
airing 151:26
airplane 127:18
Alabama 7:4 21:36 22:9
 23:20 24:24 109:27
Alan 14:4
albacore 11:25,27
alert 54:18 56:34
alive 57:25,28 73:31
 115:5
Allegation 52:32
allergies 62:10
allocated 48:25 61:27
 135:6
allocation 62:46,48
 68:6,12 79:31 81:3
 82:8,15 106:48 135:5
 135:5,11,37 136:1
 150:24 161:42
allow 25:40 26:10 34:40
 80:19 111:36 121:43
 131:48 164:32,47
allowable 117:13

142:25
allowance 114:35,38
allowed 93:20
allowing 38:21 77:15
 83:11 133:3
allows 66:42 67:1
alluded 80:39 83:29
alluding 102:7
alongside 70:17
alternative 24:37 25:6,9
 25:15,23,35,41,44
 26:12,30 34:44 35:23
 35:43,48 36:3 38:24
 38:44 42:12 43:32
 105:9 108:13,22
 109:6,13,22,29
 110:10 112:36 121:11
 121:23,28,36,42
 122:2,6,13,18,29,38
alternatives 45:39
 112:36,37,44 117:2
 121:4,8 122:1 123:13
 123:35 126:1 128:19
 128:24,32,33,35
 148:4
altogether 115:2
amberjack 145:14
amberjacks 145:10
amendment 4:37 5:12
 5:12,13 9:18,24,33
 10:43 11:21 13:35,46
 16:42,45 24:15 38:25
 43:2 45:39,41 46:33
 47:21,26 62:37,45,45
 64:18,27 65:8,11,25
 65:30,48 66:6 67:22
 67:41 68:6,34 74:19
 75:22 78:19 81:17
 85:37,46 89:7,40
 95:39 96:2 105:43
 106:16,20,27,29
 107:11,14 110:11,17
 110:43,46 111:1,27
 112:31,35,38 114:30
 115:18,26,27 116:24
 116:39 117:3,22,36
 117:41,42,45,48
 118:13,16,22,24,27
 118:31,40 120:24
 121:2,8 122:14,21
 127:36 128:12 131:11
 131:24,32,36,45
 132:20,22,32,47,48
 133:37 134:33 141:46
 142:14 148:10 162:15
 162:37 165:43
amendments 89:41
 162:29,36

America 14:38
American 8:5 95:40
amount 15:29 27:44
 32:29 55:1 63:38 64:7
 67:19 68:3,18,21,25
 71:32,44 72:21,23
 74:13 78:38 92:22
 105:1 109:16 112:17
 114:43 122:3 124:35
 127:13 129:39 134:16
amounts 48:14
ample 78:48 83:12
AMs 121:1,3
analyses 16:43 142:13
analysis 16:11 23:43
 30:6 116:46 117:38
 117:39 118:12,21,29
 122:21 123:35 128:31
 141:47
analyst 94:21
analysts 93:46 94:3,4,9
 123:27 135:2,19
 144:20,21,28
analytical 94:39
analyze 98:40 128:23
analyzed 89:12 117:41
 118:26
analyzing 156:39
and/or 25:14 59:29
 94:26 146:18 156:46
Andre 2:10 8:7 60:14
ANDREW 3:44
anecdotal 125:26
Angel 2:41 6:37
angle 126:19
angler 53:45,46 146:14
 152:42,47
anglers 51:33 53:35
 126:7 156:46
angling 63:28 64:41,46
 65:22
animal 123:39 146:43
 161:9
animals 18:12 124:9
 126:42 127:38,45
 137:18 145:9 147:20
 148:25
ankle 160:32
Anna 2:6 7:39 78:10
 103:44 104:36 112:27
 113:39 114:30 134:45
 136:3 162:23
announced 12:43 64:31
 90:48
announcements 62:5
 109:10
annual 16:26 24:41
 51:33 62:48 63:40

64:16 65:18 68:14
 77:17,21 109:16
 111:18
annually 65:26
answer 17:46 27:43
 28:40 30:14 35:40
 45:27 84:27 101:3
 126:4 136:28 137:10
 155:10 162:24
answering 72:38
Answers 4:26,32,39
 5:16
anticipate 134:29
anticipated 26:30 48:20
 75:44 118:27
anybody 79:16 85:5,19
 121:11,25 125:14
 126:28 155:1 157:40
 161:22 162:48
anymore 146:34
anyway 39:23 44:3
 60:45 125:48 126:12
 129:43 130:7,23,41
 161:18 165:32
anyways 20:40
AP 9:21 62:17,18 78:39
 80:18 156:16
apex 114:8
apologize 85:26 109:34
APP 123:24
Apparently 8:48
appeal 67:37
appeals 67:37
appear 100:40
appears 76:31 123:5
 135:3
appendix 38:2 44:48
applaud 32:26 47:36
apples 71:25,25
applicability 132:29
applicable 51:8 65:42
application 10:28 99:17
applications 10:23
 14:35
applied 63:34 119:25
applies 53:13 98:18
 100:42
apply 19:48 130:7
applying 102:42
appreciate 18:22 30:28
 34:6 37:13 48:41 49:2
 56:36 60:5,7 88:22
 89:43 102:2,18,30
 103:47 104:18 138:33
 161:39
appreciated 62:25
apprehension 25:32
approach 30:42 45:21

88:11 90:11 121:19
129:16 151:5 155:36
approached 151:2
approaches 28:36
105:9 117:41 129:18
approaching 36:37
appropriate 22:24
24:45 110:2 156:8
appropriately 137:5
appropriations 90:34
97:43
approval 14:32,40
approved 23:26 67:32
162:15,16,20,27
approximately 55:2
57:26 67:5 70:10
123:36
April 23:9 74:7,8 77:13
aquaculture 103:25
Aquarium 104:29
area 11:9 19:24 27:48
28:3,15 35:6 43:2,3
43:12,30,31,34 52:3
52:16 53:5 55:16,34
63:20 66:17 70:8
74:21 77:41 81:45
82:41 93:13 120:39
124:47 126:40 129:36
130:5,32 133:32,33
144:35 151:15 158:30
160:24 164:31
area's 43:33
areas 33:12 42:45,48
43:10,27,28,43,44
63:20 74:5 92:26,38
92:42 93:3,18 96:47
97:12,21,32 101:11
104:28 117:31 118:18
122:15,32 125:20
130:1 160:22
argue 143:48
arguing 19:1
arm 90:17
arms 28:12,24
arounds 95:10
arrow 82:27
arrowhead 26:39
artificial 130:16
ASHTON 2:17
aside 40:5 149:8
asked 13:32 46:11,21
83:43 120:47
asking 29:31 35:14
47:44 59:35 95:24
96:26 151:41 153:26
156:27,34 158:43
ASMC 122:39
ASMFC 143:32

aspect 50:39 65:46
67:41
aspects 156:38 158:42
assembled 122:5
Assembly 159:32
assess 16:4 22:15,21
22:28 41:10,13
138:36 140:20 143:48
assessed 94:12,14
139:3,9,18,24,25,28
139:37 141:28 143:11
146:8 158:7
assessing 23:14 27:48
assessment 5:14 16:46
17:42 21:41,46 22:20
22:26,33 23:36,48
28:34 36:41 40:22,23
40:28 41:6,10,17
49:19 59:42,45,48
94:9 95:29 99:24,39
104:45 105:3,7,14
107:8 109:42 113:4
114:13,15,26 115:25
116:7 117:5,6,7,11,17
117:20 119:19,25
133:24,36,38,46
134:14,31 135:6,30
135:35 136:47 137:22
137:37 138:46,48
139:11,44,46,47,48
140:8,14,18,24 141:1
141:3,17,32,34
142:34 143:4,25,34
144:25,34,36,40,45
146:1 147:25,30
149:26,34 150:3,9,13
150:22 151:6 153:40
153:42 154:4,9,15
155:9 162:7
assessments 5:15 16:1
16:6,28,37 93:47
99:32 104:40,43
117:15,21 129:17
131:14,37 132:17
134:8,10,28 138:29
138:40 139:35,39,45
140:10,16,34,36,37
141:4,9,23,29 143:29
149:10,24 153:38
asset 56:25 57:9
assets 57:35
assist 94:24 114:34
148:34
assistant 3:13 4:43
76:39 150:26
associated 45:36 68:36
74:11 122:37 129:6
130:44

Association 8:6,20
Association's 95:41
assume 18:27 20:24
59:22 81:12 113:18
130:4 145:37
assumed 81:2 163:37
assuming 29:44 32:28
33:14 137:30 142:26
assumptions 128:4
assure 89:1
assuring 19:9
astronomical 102:4
at-sea 57:35 58:23
Atlanta 112:5
Atlantic 5:9 7:40 8:14
8:33 9:23 10:37 11:6
11:16 19:46 20:3
52:20,26 53:4 54:26
55:16,18 56:17 68:20
71:15 73:45 74:6
76:23 77:3 94:1,23
96:18,19 104:39
107:46 108:3,4,14,28
108:43 110:19,34
111:14,24,29 112:39
113:15,42 114:32
115:10 118:4 121:43
131:35 133:10,28,39
133:47 135:3 137:1
138:28 139:14,17,30
141:25,27,32,34
142:40,42,43,47
143:6,30 144:19,31
146:4,47 147:3,11,21
151:14 155:34 158:10
162:24 164:15
ATMOSPHERIC 1:2
attached 16:33 132:9
attacks 125:8,13
attempt 9:48
attend 156:13
attended 53:40
attention 17:48 50:16
89:22 97:29 102:20
105:28 153:2
attributed 97:1
attrition 80:46
August 10:22 64:10
65:27 69:3 71:12,39
73:23 76:28 77:25
107:11 110:26,36
111:1
Augustine 2:5 7:31,31
27:15 28:9,46 29:6
115:30 116:8,19
123:32 137:7,26
159:45
authority 56:29 65:9,10

65:12,15,25
authorization 45:28,38
authorizations 45:36
authorized 44:23
authorizing 44:21
auxiliary 44:7
avail 14:44
availability 148:11
156:38
available 37:7 38:43
39:6,24 41:29 42:29
43:26 47:30 56:26
62:33 75:24 77:19
83:13,18 85:43
113:12 114:46 115:9
128:3 142:14 147:5
149:47 157:39 160:26
162:17
avenue 1:24 75:36
average 67:14,16 71:44
72:23,24,28,46,48
73:1 82:11 95:6
120:12,13 135:16
145:36,37 152:2,4
155:39
avoid 46:33 115:2,6
avoidance 84:35
avoiding 134:1
aware 14:30 15:15
16:17 24:15 49:26
63:17 67:22 68:33
72:10 76:43 80:26
90:2 98:10 105:27
114:15 116:13 143:27
155:43 158:41
Awesome 80:27
awful 32:29
awfully 84:12

B

back 17:13 18:3 20:12
23:48 27:17,39 28:22
29:34 30:12 40:17
41:2 46:36 51:19
56:40 57:15 60:32
61:24,37 69:9 70:17
78:12 81:21 83:40,47
86:10 87:5 91:46
96:21 102:41 103:29
106:6,7,30 108:37
115:44,46 116:42
117:5,6 118:1,9,12,23
118:24 124:39 126:37
129:45 130:34 131:10
131:18 133:37 134:33
135:12 136:13 143:5
143:12 145:20,21
148:22,27 150:29

155:4 164:18,26
backlog 162:29,35
backs 83:34
backsliding 101:15
backup 85:12
bad 27:29 78:29 94:34
 96:12,22 115:32
 154:17
bag 79:44,45
bailiwick 32:31
bait 54:9 76:45 130:16
baited 159:35
balance 84:9,11
balances 150:8 153:20
ball 162:19
ban 29:40 95:26
bar 119:20
bars 73:26,28 129:9
base 10:31 18:37,44
 24:34 31:22 63:33
 108:25 157:44
based 17:29 18:37
 19:21 21:8 24:41
 26:15,16,20 31:10
 34:35 43:25 63:6,44
 65:41 71:21 73:41
 74:29 81:3 82:39
 88:34,47 90:36 92:10
 106:40 107:3 108:36
 108:44 109:42 110:8
 110:45 111:20 129:15
 131:31 132:31 133:21
 135:43 136:2 153:41
 154:29
baseline 26:9 64:11,15
 126:38 157:39
basic 27:17
basically 9:46 18:39
 27:19 39:41 40:7
 46:43 49:32 51:5
 59:24 65:13 81:22
 96:23 97:45 103:15
 129:5 136:38 138:38
 140:14 151:1,8 165:6
basis 13:40,42 14:46
 57:48 68:14,15 94:21
 94:38 119:18 150:3
basket 50:24 51:5,17
baskets 51:10
Baton 21:8
bay 27:47 28:11 52:3
BAYS 11:24 13:43
beach 6:41 40:2 125:3
 125:7,11
Beckwith 2:6 7:39,39
 104:37 113:40 114:31
 136:5,30 162:23,26
beeping 105:38

began 76:24
beginning 47:8 107:10
 127:37 132:2 142:13
behalf 34:10 60:42
 120:46 149:46
Beideman 2:7 8:18,18
 17:20 41:34 42:8,36
 42:38 43:37,48
 101:25 102:18
belabor 28:47
Belcher 2:8 7:41,41
 128:46 136:37 143:22
 150:46 155:32
believe 13:8 16:15,22
 16:24 28:31 42:34
 57:2,3,39 59:46 65:45
 77:38 81:4 93:36
 95:28 113:3 124:37
 135:16 136:47 147:1
 147:2 149:5 162:28
 162:32
believed 24:13 52:31
believes 147:3
Bellavance 2:9 7:11,11
 60:39 103:46
belongs 32:21
benchmark 94:8,33
 113:12,19 139:46,46
 140:30,47 141:3
 145:47 146:1 148:31
 150:33
benchmarks 94:27,30
 99:34
benefit 10:19 43:32
 46:23 47:43 101:7
 136:33 150:47
benefited 46:12,41
benefits 23:5 26:15
 31:19,32 38:25 40:37
 41:24 43:25,29,35,35
 44:7 45:24,25 55:45
 150:6
best 11:45 30:15,37
 32:3 50:21 57:28
 58:19,23,38 75:25
 122:27 125:26 128:3
beta 12:13
bets 160:4
better 8:21 11:44 31:27
 34:3 41:42 47:33 57:4
 57:34 58:21 75:16
 82:28 83:15,44 87:26
 99:20 102:33 105:2
 105:10,21 106:22
 109:47 110:3 114:4
 121:20 128:27 129:19
 147:19 155:8
beyond 44:2 79:32

102:21
BFT 70:42
bias 18:18
biased 75:40
big 35:44 41:39 43:7
 46:8 47:12 50:30 84:5
 84:7 89:26 101:27
 102:15,22,31 110:19
 118:15 119:16,20
 120:7,25 125:30
 127:16,35 136:41
 139:43,44 140:4
 141:14 146:9 147:22
 151:19 152:5,10
 156:19 157:18 165:38
bigeye 11:25,28 13:8
 16:28
bigger 47:3 73:36 85:39
 88:4 127:8 165:24
biggest 16:36 18:19
 35:41 81:30 89:6
 104:41
Bill 7:22 27:14 29:9
 32:40 35:27,28 47:35
Bill's 41:37
billfish 8:9 11:33 12:1
 15:8 17:37 19:14,32
 19:33,43,47 20:11
 31:43 52:7 53:30
 61:15
billion 23:11,18 26:35
 33:37
bins 49:33
bio 42:41
biological 12:22,26
 158:41
biology 141:19
biomass 24:27 31:8,10
 31:12,38 45:15 48:14
BiOp 132:12,34 133:29
bird 130:19,20,22
bit 10:33 12:19 14:1
 16:43 19:16 22:41,43
 26:13 45:3 47:33
 48:23 61:22 78:44
 79:34,35 82:10 87:44
 88:4,8 90:5 92:19
 98:17 102:40 104:9
 116:17 120:14 121:16
 123:17 129:37 130:13
 131:12,40 132:46
 133:35 134:9,40
 135:39 136:15,17
 144:13 146:46 148:9
 148:10 150:39 152:48
 154:27,38 159:21
 162:4
blackfin 125:25

blacknose 11:17,19
 108:10,20,41 109:32
 110:22,32 111:14
 112:4,6,8,18,32,38,42
 112:46 113:15,20
 114:36,48 117:23
 140:32 146:4,47,48
 152:8,9 164:1,2
blacknoses 164:35
blacktip 11:14 109:7,24
 111:10 117:23 139:16
 140:44 141:26,28,32
 141:34 142:37,40,45
 143:6,41 147:10,11
 147:21,21,23,45
 148:11,25
blacktips 142:47
 148:17 152:16 162:9
blank 69:34
Blankinship 3:16 32:40
 32:41 34:26 39:8
 45:27
blend 155:45
blew 122:44 128:36
blindsided 86:2
blip 120:26
blips 89:18,24
blows 148:23
blue 16:29 53:25,47
 54:39 73:26 134:25
 140:36 147:6 148:33
 152:14
bluefin 4:35 7:13 8:6,33
 8:36,38 9:11,15,19
 13:21,45 20:40,44
 25:2 38:16,19 42:45
 46:34 48:24 52:7,26
 61:26,28,40 62:31,35
 63:21,28,32 64:36,38
 64:41 65:32,48 66:8
 66:30,42,46,47 67:43
 67:48 68:7,27,34
 69:45 70:1,3,43,48
 71:11,13,21,22,28,34
 71:36,43 72:8,9,36
 73:7,17,20,22,27
 76:24,29 77:3 81:44
 82:1 83:27 89:7 95:27
 95:41 96:12,13
 105:46 106:3,5
 161:41 165:16
bluefins 47:7,9,10 82:3
bluewater 8:19 32:46
board 57:47 64:17
 130:29
boarding 53:44 57:26
 60:7
boardings 56:1,5

160:23
boat 7:12,30 10:27,42
 28:26 60:43 61:9
 119:13 130:18 145:23
 160:28 161:5
boats 9:47 10:2,12 35:5
 35:44 38:32,36 41:46
 47:22,27 52:5 60:27
 78:45,46 79:38 81:40
 81:41,47,48 82:19,33
 82:43 98:32,38 127:8
Bob 7:9
bodies 143:29 156:15
body 76:28 144:23
 151:1 156:22 157:23
 158:44
bold 153:27
bolder 88:4
bonnethead 59:14
 107:8 108:33,36
bonnetheads 114:43
Bonnie 94:20,46 95:15
books 66:45
booted 87:13
border 54:28 55:40
borne 97:6
bother 142:8
bothers 135:24
bottom 25:46 64:32
 70:9 111:25 118:17
 130:47 145:30 155:16
 155:16 158:36 164:18
 164:26
bottom-up 154:39
 155:8,12,17
bounce 102:40
boundaries 151:13
boundary 108:15,29
 110:20
Boustany 2:10 8:7,7
 60:16,25
box 160:24
BP 23:5,10,10,37 26:35
 26:37 27:27 28:14
 43:36 45:10
bracelet 160:32
Brad 3:25 78:37,43
 84:38
Branch 3:25
breadth 28:41
break 21:28 48:23
 61:21,34,39 80:23,23
 85:48 86:6,11 115:1
 128:11 131:10,10,15
breakdown 109:19
breaking 83:33
breakout 8:35 131:21
 165:16

breaks 111:17
breed 31:16
breezed 104:7
brevity 35:38
BREWSTER-GEISZ
 3:17 114:23 116:27
 138:30 149:16,43
 154:25 155:11,18,26
brief 44:16 45:45 52:35
 59:11 62:31 115:23
 148:42 153:10
briefed 88:44
briefing 65:39 89:19
briefly 6:12 50:3 65:4
 68:40 101:23 157:47
bring 75:35 88:11
 142:30,34 150:20
 158:35 159:6
bringing 64:12 94:38
 123:41 150:25 158:16
brings 24:3 25:7 87:40
brink 16:25
broad 77:35 97:45
broader 84:15 165:24
 165:34
broadly 88:16
broke 59:6
broken 71:15 95:6
brought 18:13 42:41
 57:42 115:46 131:46
 139:41 140:30 142:4
 145:45 147:27 148:18
 148:28
brown 124:45
Brownsville 54:31
browser 49:28
brush 78:6
budget 26:14 41:45
 55:36 92:33 128:39
budgeted 41:45
budgets 90:35
Buendia 55:25
buffer 79:36 113:27
build 30:43 90:35
built 34:35
bulk 132:41 145:39
bull 144:4
Bullard 103:12
bullet 19:32 110:19
 131:45
bump 75:29 95:47
bumps 89:14,18 95:45
bunch 30:43 102:45
 116:43 117:25 144:4
buoy 25:11,44 34:45
 38:48 39:19,44,45
 44:21 45:28,33,37
burdens 63:26

burdensome 128:20
 133:16
bureaucracy 102:23
burn 28:26
business 7:12 28:23
 102:34 124:14 161:46
businesses 65:35
busy 8:39 16:38 17:16
Butterworth 150:20,26
 151:2,17 153:15
buy 82:4
buyer 28:23 146:36
buying 96:14
bycatch 16:19,20 21:14
 24:4,30 31:33,45
 33:27 36:11,12,15
 37:9,35 38:18,43,46
 38:47 39:2,3,31,32,34
 40:42 41:25 42:46
 43:39,44 45:5 47:6,48
 84:9,11 102:11
 114:35,38 115:7
 117:32 136:39 163:20

C

C7 108:23
C8 108:13
cab 127:19
cake 146:43
calculate 31:9 161:5
 162:4
calculated 26:15 31:19
 41:24 43:29 48:17
 72:24 118:44 134:13
calculation 43:25 48:6
calculations 48:2,12
 107:41
Calcutta 160:4
calendar 25:1,13 26:18
 27:8
caliber 150:26
California 58:22
call 58:39 69:33 79:18
 79:24 130:31 160:25
 160:29,32
call-in 78:35
called 9:41
calling 79:16
calls 69:20
camera 69:27,33 70:13
 161:20,27
camera's 160:38
cameras 19:42 20:10
 68:36 70:19 79:10
 80:21 160:36
Canada 149:26
Canadians 46:40
Canaveral 54:19 163:17

163:17
Canyon 43:3
canyons 93:13
cap 134:15
capabilities 79:4
capability 27:33 141:2
capable 78:1
capacity 48:45
Cape 63:20 74:6 163:17
 163:17 164:31
capitalizing 26:7
captain 7:44
captain's 53:40
captured 66:33
capturing 70:15 80:22
carcass 133:11
card 35:16 103:44
 153:9
cards 93:37 160:22
care 102:46 123:43
 124:25 144:19
career 19:2
careful 6:28 80:41
cares 102:22
Caribbean 7:15 11:6
 13:30 55:18 56:14
 105:19 143:32 151:15
 156:18,19,20,26,31
 156:36,42 157:21,26
 157:27 158:4,5,7,8,10
 158:28,43
Carmichael 150:38
Carol 150:38
Carolina 7:36,38,46
 39:15 53:1,7,11,12,33
 53:34,46 55:26 56:13
 65:36 77:11 81:48
 125:9 130:6 135:21
 160:20
Carolinas 77:6
Carolyn 2:8 7:41
 126:22 128:9,13,45
 136:4,36 143:20,20
 144:15 155:31
carried 30:31 64:6
carry 162:2
carry-forward 10:34
carry-over 161:46
cascading 50:6
case 8:37 15:45 32:46
 37:40 40:13 51:38,42
 53:8 54:17 69:31
 71:17 92:18 96:24
 98:27 130:41 131:2
 139:22 157:11 160:25
 163:39
cases 33:30,30 54:44
 55:2 56:11,16 73:32

76:16 148:27 150:1
153:30
catastrophe 154:16
catch 13:21 25:33,36
26:31 34:47,47 43:30
43:31 44:23 57:13,17
57:19 63:7,45 67:12
67:18,24 69:48 70:3
70:30,35,37,39,42,43
70:44 71:1,6,11,34
73:8 76:7,32 77:2,36
77:40 83:38,39 91:9
100:40 106:35,39
113:1 114:41 117:13
121:43 123:43 124:23
124:44 126:6 130:45
132:28,42 133:6
134:3 136:7 138:8
141:36,45 142:25
152:4,9 158:37 161:2
162:9 164:6,14,16,35
164:38
catch-free 117:12
catches 68:6 70:32
114:41 123:11 156:32
catching 11:4 78:2
145:10 164:40
categories 62:47 63:3
63:14 64:4 66:2,3
76:25 77:22 78:5
category 63:1,2,4,9,10
63:14,28,34,37,41,42
63:44,47 64:1,30,36
64:41 65:6,17,17,21
65:22,24 71:4,47
72:25 76:26,32 77:4
77:13,16,44 78:45
79:33,44
caught 42:47 44:5
52:26,32,33 53:47
75:5,6 77:11 115:4
124:6,10,46 130:11
137:18 143:8 144:38
147:33 152:3 164:8
cause 123:9 164:21
caused 29:34 30:9
caution 47:34
caveat 50:13
CBP 54:30 57:14,46
census 69:48
cent 72:48 73:1
center 3:21,24,29 15:26
19:23 21:7,10,11
29:18 30:30 35:35
36:30,31 37:25 58:35
69:42 70:4 85:6 93:46
94:5,47 116:12
120:34 141:2 147:14

centers 15:23 100:16
105:17
cents 144:10
centuries 144:9
CEQ 97:35
certain 33:10 92:22
93:3 95:9 97:2 104:27
140:31
certainly 16:37 30:47
31:20 32:4 35:24
40:35 41:30 62:24
82:24,25 84:33 87:34
98:26 103:15 116:2
116:14 126:34
cessation 24:35,48
47:31
cetera 17:25 29:28
33:13 65:44 70:35,47
75:39 88:15
challenge 33:33 37:38
69:4 89:43
challenges 69:17,17,23
69:26,36 89:36,37
98:29
chance 85:48 141:45
145:29 165:33
chances 122:12
change 9:43 10:33
15:20 17:45,47,48
20:16,17,22 35:48
62:21 63:39 67:14
90:12,15,19 100:4
106:33,42 107:35
108:32 109:21,35
139:45 140:2,3,3
143:12 144:45 159:29
163:36,36,42
changed 10:47 24:16
35:43 66:6 96:2 98:44
108:22 146:20
changes 9:33 15:20
45:31 55:38 62:35
63:18 67:47 76:34
78:25 106:34 107:26
108:30 110:31,47
118:15,17 147:42
changing 95:32 111:30
140:6,26
chapter 26:43 41:27
118:25
characterize 74:30
characterized 70:5
74:28
charge 157:6
charged 51:42
charismatic 31:42
Charleston 53:1,16,23
chart 27:18,26 134:25

137:30 142:32
charter 7:12,16,30
10:42 52:5 60:43,46
61:9 130:26 157:34
Charter/Headboat
63:15 64:48 66:1
charters 60:47
charts 17:23
chatter 40:34
check 133:26 135:18
checked 53:36 164:12
checking 53:35
checks 153:19
chemicals 23:45
Chesapeake 52:3
chewing 130:21
chief 3:15,25 8:46
48:43 76:41
choke 82:42
choose 38:23 46:6
144:26
Choptank 97:32
chose 47:23
Chris 7:13 74:39,44
75:34 76:20 78:11
Chris's 78:34
CHRISTOPHER 2:39
circle 123:16 124:13,22
126:13 159:36,41,48
160:11,34
circulate 60:6
circus 161:8
cited 38:15 79:10
City 6:36 94:10,25
95:26 144:21
civil 28:35 41:15 48:46
56:33
civilian 55:20
claim 60:33
Claimant 90:10
claims 29:3 65:44
clarification 41:9
116:26
clarified 64:21
clarify 121:3 131:21
138:19 157:16
classes 18:17 160:33
cleaning 32:20,37
clear 18:44 20:4 23:28
25:31 27:38 70:14
91:25 136:14 137:9
clearly 41:26 45:3
66:23 74:15 85:9
88:38
click 70:48
clients 158:38
climate 15:16,20,26
76:38 90:12,15,19

100:4
climb 94:17
close 81:37 83:15
101:11 104:47 109:38
122:43 130:26 142:10
142:35 145:17 158:31
closed 11:14,16 16:45
27:2 43:2,3,10,28,42
46:31 53:4,15 59:45
65:23 101:11 160:21
164:9
closely 49:3
closing 162:30
closure 11:19 43:28,34
44:33 117:31 120:39
122:15 130:1
closures 11:13 13:31
38:25,29 122:39,39
clothing 47:5
CLS 14:38
clumps 155:37
coast 3:26,30 39:48
55:8,16,28,43 57:9,32
57:33 58:12,41
132:36 133:10 145:18
145:43 147:3,23
148:13 160:22,23
coastal 11:15,17,19
29:21 30:18,43 52:45
52:46 107:31,33,44
107:48,48 108:2,5,9
108:10,15,17,20,23
108:29,35,39,40,42
108:48 109:7,14,23
109:30,42 110:21,23
110:27,31,33,35,38
111:5,6,12,30,35,40
112:9 114:8,15,35
118:46 139:8,21,22
143:45 144:1 147:28
147:33 163:20 164:10
164:22,47
coastals 107:23 111:41
112:42,46 113:36
163:35,38,39,41,44
164:1
COCKRELL 3:40
codfish 154:19
codified 63:8
codify 19:33
codifying 19:34
coffee 131:26
coincide 25:2
coinciding 118:2
Colby 3:30 48:27 55:22
collect 22:21 105:2
140:17 157:38
collected 26:11

collection 26:8
collectively 89:23
colored 134:23
column 67:10,14 71:4
 138:46,47 142:15
comb 137:23
combat 106:27
combating 57:36
combination 56:18
 60:22 107:2 118:42
 119:10
combined 139:17
come 11:34 12:34
 37:28 40:13,14 42:43
 49:13,29 50:7 60:26
 60:32 61:33,36 68:12
 79:9,42 82:30 87:16
 91:44 93:7 97:29,36
 98:6 103:48 104:46
 105:11 107:9 112:32
 128:30,44 131:10,16
 141:12 146:46 149:31
 159:18 163:24,25,46
 164:24,28 165:4,28
comes 9:20 16:18
 30:12 75:48 80:12
 83:46 105:26 143:5
comfort 102:20
comfortable 114:37
coming 9:33 12:5 16:9
 16:14,26 17:26 27:4
 32:1 49:24 54:36
 56:46 73:5 78:39
 80:37 83:10 89:11
 91:5 101:26 102:25
 104:5 113:21 145:24
 145:42 148:24 162:16
 162:36
command 58:35
Commander 55:25
commend 82:21
commensurate 22:37
comment 13:2 15:2
 16:45 18:33 20:34
 23:7 45:47 60:9 77:29
 78:17,34 93:5 104:8
 104:16 106:1,41
 108:44 110:9 111:27
 112:22,31 113:45
 114:1 115:12,29
 116:6,15,22 117:35
 126:45 131:11,13,22
 133:1 144:31 148:39
 148:40,46 150:11,18
 153:11,12 155:33
 156:1,2,3,3,4,9,9
 158:26 159:2,3,15
 160:17 162:30 163:9

163:12 165:9
commented 137:45
commenters 109:45,47
 133:15
comments 14:22 15:5
 15:33 18:23 25:27
 27:1 30:29 35:26
 41:37 61:48 77:46
 83:22 84:34 86:4
 93:10 95:21 96:30
 104:4,35 105:46
 106:5 107:3 108:39
 108:46 112:1,3,20,24
 112:25,26 113:40,44
 113:44,47 114:28
 115:19 117:35,40
 122:45 125:39 126:24
 128:12 132:38,41
 133:13,22 134:43
 136:6,8,12,32,33
 138:21,24,35,42
 141:35 143:15 148:45
 156:6 157:20 159:16
 163:10
commerce 1:1 22:12
 34:10 88:9 91:9
commercial 6:41 7:4,26
 7:46,48 8:4,19 10:41
 11:24 12:28 46:44
 52:13,15,43 53:5
 54:31,36 56:4 63:13
 66:2 77:2 85:19 94:42
 95:36 98:21 99:11
 102:45 106:45,47
 107:21,45 109:30
 110:11,23 117:30
 121:8,48 126:27
 133:8 134:21,27
 135:4,6,11,38,41,46
 135:48 136:48 152:5
 152:11,17,20,39,41
 152:45,46 154:7,28
 154:42,46 156:47
 159:34 161:1
commercially 10:43
 19:46 53:14 101:33
 148:5
Commission 7:24
 144:17
commitment 15:21
 82:26 89:1
commitments 88:14
committed 14:34 23:11
 26:35
committee 7:2 16:27
 97:43
committees 88:23,28
 88:29,48 90:34,34

common 13:9 59:17,18
 59:23 97:27 101:36
 156:37
communicate 99:6
communication 17:3
 17:13 89:36 122:31
communications 14:19
 58:16
communities 14:13
community 17:10,11
 32:21,36 83:45 98:28
 99:11
company 52:38,39,39
compare 71:25 76:3
 101:39
compared 16:16 18:30
 55:35 67:15 95:36
 117:9 120:18 131:1
 142:48
compares 16:13
comparing 67:8 71:18
 73:37 74:3
comparisons 59:39
compensate 23:39 30:8
compensating 30:4
compensation 22:5
 24:33,41,45 27:36
 28:16,44 31:22,46
 40:16 42:7
compete 46:47 83:48
competing 100:9
compile 118:33
compiled 119:14
complaint 51:32 52:29
 65:34
complete 10:23,28
 27:16 32:14 50:44
 53:24 57:2 132:17
 140:43
completed 23:15 26:48
 40:29 41:7 131:38
 133:37
completely 30:45 40:4
 79:38 82:29 97:30
complex 69:13 121:4
 136:42 147:30 154:45
complexity 27:45
compliance 13:41
 50:45,48 52:6 53:38
 66:22,27 73:5,13
 75:30 85:1,18,24
complicated 13:19
 22:39 40:24 81:24,28
 161:43
complications 149:46
compliment 78:15
comply 76:10 126:11
 132:33 133:29

complying 79:5
component 25:8 26:1
 34:34 50:33 122:37
 129:9 136:41 146:25
 158:11
components 25:20
 34:39 35:8 42:27,28
 56:7
composed 133:39,41
composition 132:42
compositions 132:28
compounded 83:35
comprised 139:34
computer 68:36 69:31
conceive 29:47
concentrating 41:1
concept 31:7,13
concern 17:40 47:4
 59:16 61:15 74:16
 81:30 98:30 101:21
 102:14,26 105:32
 115:42 127:16,35
 146:12
concerned 18:48 29:37
 30:2 31:42 37:19,30
 56:40 154:20
concerns 45:24 62:25
 92:15 98:31 107:37
concluded 123:24
 146:10 150:23 165:46
concludes 12:46 54:41
 55:5
conclusion 12:44 14:36
concrete 28:30
concur 41:36 59:9
 147:46
conditions 106:26
 150:15
conduct 12:43 22:28,37
 52:2,42 53:32,44
 159:37
conducted 52:7,35 53:1
 53:21,38 54:29 65:3
conducting 34:9 52:14
 54:33
confess 87:20
confidence 102:41
 103:37 104:42 105:13
confidentiality 41:19
 59:44
conflict 96:3
confused 19:16 29:29
 158:18
confusing 44:41
Congress 20:17
Congressional 90:33
 97:34
conjunction 64:23

- connected** 106:14
110:43
connection 153:32
consensus 144:26
conservation 15:8,9
19:32 46:41 93:2,12
96:44 104:26 132:5,6
132:6,25,44 138:17
conservative 108:38
consider 16:3 25:42
31:23 32:2 46:1
100:22 106:21 115:11
117:40 124:35 126:14
157:28 158:44
consideration 21:31
23:1 26:38 40:15,16
114:38 135:36 136:21
152:38,42 154:10
156:41
considerations 132:1
150:8
considered 17:32 23:29
24:8 31:25 45:38
114:45 118:16 132:32
considering 138:3
considers 155:7
consistent 64:17,27
114:41 120:12
consisting 54:24
constituency 154:1,3
constituent 141:14
154:31,44,47
constituents 154:4
constraints 165:26
constricted 77:25
constructive 163:6,26
consultation 12:21,26
consuming 96:14
contact 58:27,30,32
contacted 52:10,38
contacts 58:9
contained 78:24
contentious 88:32,39
CONTENTS 4:2
contest 67:28
contested 67:29,30
context 64:21 101:9
continually 117:48
continue 13:28 23:36
24:37 25:4 34:41 35:9
46:20,22 54:6 57:44
58:7,15 61:5,44 66:24
68:8 74:43 77:33,45
79:27,42 82:36 83:43
85:34,42 86:8 89:35
93:21 97:20 101:6
127:40 131:27 165:17
165:42,44
- continued** 12:34 42:4
131:25
continues 13:18 46:11
57:39 68:9,10 84:25
continuing 12:9 13:17
13:20,41 15:9 89:40
119:31 120:42
continuity 55:20
contract 95:12 149:45
150:12,15,15,16
contracted 149:41
contracting 149:11,23
149:30
contractor 69:15,20
153:14
contrast 68:16
contrasts 68:21
contributing 74:4
contribution 89:4
control 16:34 70:13
100:15 106:37 155:8
155:23,25
convention 50:11
conversations 78:27
85:43
convey 116:14
convince 100:24
convinced 32:35,36
79:48
convoluted 98:47
cookies 62:6 115:33
131:19
cooking 62:7
cool 104:7
cooling 162:33,33
Cooper 3:18 116:34,36
116:37 124:37 127:3
128:29
cooperative 97:39
cooperatively 97:5
coordinated 55:42
copy 39:2,25 55:13
coral 12:24
core 21:13
corner 124:23
correct 78:34 137:34
147:28
correlated 126:41
correlation 128:7
cost 23:3 162:40
costs 98:39
council 6:44 7:16,40
13:31,34 87:39 94:1,1
94:2,23 95:26 104:39
114:32,37 115:10
136:5 143:28,31
151:9,16 156:15
157:20 162:24
- councils** 105:5 144:24
149:2,13
counsel 4:31 48:36
51:37 52:38 54:20
55:4
Counsel's 48:44
count 141:3 158:34
counting 60:19
countries 10:18 46:22
46:36
country 160:46
couple 11:38 12:4
13:12,14,30 15:11
18:23 29:23,43 35:26
42:13,38 43:7 44:37
58:47 62:4 67:4,15
69:37 80:7,33 89:45
90:9 96:40 98:14
108:25 112:44 115:20
117:22 119:29 126:23
128:47 131:44 148:44
160:16 161:40 162:16
164:12
course 18:35 25:28,48
31:21 69:15 78:46
104:46 113:13 114:44
115:6 134:38 136:6
144:23,32 146:7
158:6,8,10 164:9,22
court 12:41
courtesy 159:43
cover 8:29 9:12,13
33:44 35:13 49:14
114:20 121:39 126:18
coverage 67:11 118:39
118:44
covered 28:34 44:15,18
48:5 85:28 105:47
118:5
covering 35:28
CPUEs 120:37,38
127:24
craft 130:15,27
CRAIG 3:40
create 109:6,28
created 108:12 165:3
creating 19:26 93:12
creative 37:8,14 95:10
credibility 37:20
credit 45:10,13 97:27
credits 45:11,13 48:9
crews 35:5
criminal 55:39
criteria 38:5 44:9,41,45
45:3 47:26 67:25
133:5 153:37,41
155:41
critical 37:17
- criticism** 150:4
cross-cutting 14:17
crux 33:19
crying 161:36
CUDNEY 3:34
cues 6:28
cumulative 83:33
Cuomo 159:43
cure 163:47 164:44
165:3
curiosity 42:44
curious 20:13 42:13
74:47 114:17
current 38:43 45:35
47:41 71:18 76:30
93:20 105:25 106:23
108:6 110:8 113:32
128:5 141:34 142:19
currently 21:37 26:39
26:48 113:31 117:10
121:47 143:28
currently-existing
66:19
curve 69:11 75:44,45
customers 30:11
Customs 57:47
cut 15:7 34:29 124:26
129:45
cuts 46:16 96:18
cutting 33:8 122:9
160:9
CV 129:3
cycle 27:19 33:29
cycles 33:32
cynical 46:2
-
- D**
- D3** 109:22
D4 109:6
D6 109:13
D8 109:29
dad 125:12
daily 64:35
damage 21:41,46 28:19
28:33 36:41 39:35,39
40:28 41:10,11,13
damaged 21:24 30:39
damages 21:32 22:15
22:22 29:25,31,34
31:6,7 40:22
damn 123:42
dangerous 103:11
darn 146:45
data 17:31 22:21 26:8,9
26:11 40:42 43:25,27
66:18,18,20,20,29,29
66:31,34,36 67:8,9
68:37 70:33 71:25,27

71:39 72:17 73:4,24
73:37,38,41 74:2,11
80:37,44 81:8,12
84:47 85:3,12 98:40
98:41 99:27 104:43
104:44,47 105:1
108:33 110:6 113:35
114:16 117:17,38
118:21,33,48 119:2
119:33,35,36,37,46
120:40 126:37 127:20
127:25,26,47 128:4
132:31 139:10 140:2
140:3,7,13,18,20,26
140:40,42 144:47
145:6 146:9 147:12
147:16,17,18 149:32
149:34,35,42 150:5
153:29 155:4 157:25
157:26,39,41 164:48
data-poor 105:21 149:2
149:18 155:36 157:25
database 19:15 71:22
71:24
databases 12:11 19:22
19:27
date 55:29 63:31 65:28
66:37,39 69:5 70:33
71:5,6,6,11 77:40
94:12 106:37 111:22
131:48 132:22 134:36
139:27 140:9 160:27
dates 163:36
Dave 8:15 12:15 27:14
29:9 35:20 36:22,48
38:31,45 39:9
Dave's 25:25 37:21
41:38
David 2:22,36 7:3 114:1
DAVIS 3:35
day 8:39 9:10 17:16
29:39 48:25 53:48
58:36 61:2 83:1 84:18
84:39 85:3,4,22 88:21
89:20 143:13 158:32
164:7
Dayboat 7:25
days 67:38 84:19 92:3
128:41 138:8
dead 47:36 66:8 67:11
67:17,20,48 70:34
71:5,14,35 73:28,33
75:29 107:43 115:8
118:38,42 119:1,4
137:16 138:12,16
142:27 145:31 160:6
162:45 164:18,26,33
deadline 67:38

deadlines 91:36
deal 28:39,41 55:17
79:36 84:30 91:8
101:34 105:21 140:4
147:5 158:46
dealer 13:38 17:29,31
66:4,18,29,31,34,36
71:21,24 76:4
dealers 13:39,47 35:6
101:34
dealing 46:17 47:8,38
60:43 84:14 98:36,38
99:11 113:27 123:38
158:1,45
deals 28:42
dealt 56:15
Dean 94:25 140:19
149:17
death 46:15
debate 74:15
debt 68:4,8,10,12,25,31
71:32,38,44,44 72:4,5
debt's 71:40
decade 147:42
decades 158:3
December 14:34 60:5
64:40 65:2,6 75:23
77:9 83:5 90:46 118:9
132:11 162:30 164:29
164:30
decide 154:41 157:11
decided 13:35 106:42
107:5,42 109:21,25
109:28,36 117:42
118:28 143:12
decides 154:14
deciding 16:3
decimated 83:39
decision 12:42 15:19
67:37,39 82:34
111:28
decisions 17:8 50:37
67:30,31 127:47
134:6 138:22
deck 70:18
decline 74:9,11,26
declined 17:43
declining 106:25
decrease 67:17,18
73:44,45 74:2 80:45
111:11,14
dedicate 57:34
dedicated 23:24 55:32
76:14 139:39
deduct 135:44
deem 44:33
deemed 44:29 128:37
deep 8:31 103:35

157:35
deeper 64:8
Deepwater 4:23 21:2,15
21:32 22:7 23:33
24:14 28:1 29:26
31:26 39:33 40:46
48:30
default 10:46 64:42
65:28 107:31,40
110:38 111:44
defend 131:5
Defense 7:21
deficit 81:33 83:11
define 45:24 61:6
defined 30:30 45:11,12
45:14
definitely 108:41
114:12 124:19 126:13
143:40 144:40 145:44
147:11 162:6
degree 85:18 88:37
108:1,16,18 109:9,26
109:46,48 110:1,20
110:30
degrees 43:7 108:21,30
109:20 110:22,28
112:9,39 135:39
dehooker 122:9
Delaware 152:13
delayed 62:39,40
131:47
delicate 158:42
DELISSE 3:37
delve 64:8
demand 74:25 141:14
154:1,3,4,31,33,44,47
157:8
demanding 157:14
demands 84:41
denominator 101:37
depart 68:24,30
department 1:1 6:38
7:36,42 22:11,12,14
34:10 39:10 53:7
55:37,40,41 58:8,14
65:37
depending 27:45 42:22
79:1 99:38 103:38
111:41 134:40 143:7
143:13 144:27,44
depicts 22:40
deploy 55:44
deployed 122:3
depth 22:42 118:5
derby 106:26
derived 23:5
deriving 31:32
descending 145:27

described 78:41
describing 101:27
description 82:28
83:15
deserve 152:36
DESFOSSE 3:42
design 11:41 69:42,43
70:3
designated 66:39 67:26
130:5
designations 9:25
designed 25:2 37:16
51:2 54:32 130:45
desire 165:23
desired 8:38
desk 61:32
DeSoto 43:3
detail 73:48 91:46
109:1 131:43 132:46
detailed 35:25 70:21
details 68:41 71:2
detect 58:1
detected 61:17,18
detections 57:6 59:1
60:17,21
deter 9:48
determination 67:28
118:8
determinations 18:45
153:27
determine 24:45 27:44
57:22 61:8
determined 12:37
67:23 113:16 151:9
determining 28:5
devalued 74:28
develop 10:17 19:38
20:6 22:16,34 27:3
61:5 80:42 112:34,37
112:44 122:14 136:22
developed 26:36 33:23
43:45 45:29 70:3,37
97:4
developing 21:13
100:17
development 13:20,26
21:18 23:2 31:48 42:5
70:24 93:22 117:22
devices 145:27
devoted 29:20 30:17
diagram 24:20,20 108:7
108:27 109:33
diagrams 25:43
dialog 6:20 85:34
die 137:15
difference 146:42 160:1
differences 141:27
146:16

- different** 6:25 10:5
11:48 12:1,35 15:13
15:22,32 16:3 40:25
41:14 42:43 44:42,43
56:6,27,28,35,38
67:44,45 68:17 72:13
72:18 75:14 76:11
77:34 82:29 86:1
88:27 89:37,38
102:11 103:1,27,31
103:36,37 106:40
109:19 117:40 118:34
119:17 123:4 126:30
128:32 134:17 139:9
142:44 146:2 148:3
151:17 155:41 156:36
158:43,45 165:28
- differently** 109:37
- difficult** 37:38 46:14
47:42 84:17 128:42
129:7,22 153:46
- difficulties** 115:21
- dilemma** 153:35
- dinner** 85:42 165:30
- direct** 29:43 42:6
100:36 116:10
- directed** 90:44 91:7,15
107:1,3,32 113:30
118:41,44 129:27,28
132:35 133:31 142:17
142:22
- direction** 44:34 70:14
124:21 126:17 136:11
136:17,24 143:8
- directive** 91:28
- directly** 10:15,21 30:34
30:44 33:40 41:11,30
46:13,27 49:32 51:8
74:20 148:36
- director** 3:22 7:6 15:35
37:12 48:34,40 49:1
51:24 76:41 93:43
- dirty** 40:8
- disagree** 96:33 97:26
- disappointment** 79:41
- disaster** 32:20
- discard** 67:20 135:9
145:31
- discarded** 24:11 66:8
66:44 67:2,7,48 71:36
114:44 137:15
- discards** 17:31 24:30
67:11,18 68:29 70:34
71:5,14 73:28,33
75:29 107:43 115:8
118:38,42 119:1,4
133:17 138:5 142:27
146:18
- discharge** 22:2,3
- disciplined** 92:19,23,42
- disconnect** 81:46
127:17,32,43
- discontinue** 13:35
- discouraging** 105:5
- discovered** 53:18 102:5
- discuss** 35:9 115:47
131:32,37 133:35
157:44 163:19
- discussed** 75:37 77:44
78:25 90:5 104:30
106:33 112:30 165:25
- discussing** 23:35
104:40 105:44
- discussion** 4:27,33,40
5:17 8:38 30:25 33:3
42:10 44:24 47:8
48:20,24 51:15 61:40
74:33 77:15,20 93:18
112:24 131:25 138:37
151:35 155:30 165:17
165:18,41
- discussions** 16:32
61:28 93:11 101:10
159:12
- dismiss** 65:38,39,41
- dismissed** 65:45 67:33
- dispel** 101:47
- dispersants** 29:28,38
- display** 52:21 80:19
- displayed** 53:46
- disposal** 60:34
- disposed** 60:33
- disposition** 60:27
- disseminated** 85:14
- distributed** 71:5 75:23
114:9
- distribution** 72:30
- District** 56:3,13,17 59:2
- disturbance** 79:7
- disturbing** 81:32
- divide** 113:25 135:47
- dividing** 135:42
- division** 3:15 4:14,36
5:10 7:38 8:47 14:9
15:3 21:12 34:16
51:31,46 52:28
- divisions** 14:9 49:35
50:27 155:44
- DNR** 53:11,34 156:16
- dock** 53:37 54:31 68:21
82:46 138:10 157:42
- docks** 161:28
- dockside** 24:11 49:44
53:44 61:31
- document** 13:21 20:33
44:4 49:18,22,26,29
49:38,46 90:30 141:7
- documented** 56:12
- documents** 39:22 43:20
75:22 90:38 104:22
- dogfish** 126:10 131:34
132:10,24,44 133:3,4
133:5,8,40,41 139:30
139:31 159:33
- DOI** 23:23
- doing** 8:35 9:8 11:42
16:16 17:5 28:43
30:24 32:45 33:42
34:13 35:23 46:23,39
49:42 51:3 57:31
59:34 60:12 72:39
76:13 84:21 89:15
91:22 92:36 94:8
99:32 100:22 101:43
108:45 109:2 111:29
129:28 131:31 134:12
138:6 139:39 140:31
140:38 142:8,36
143:43 146:14 147:43
149:31 150:12,12
153:5 160:40
- dollar** 82:16
- dollars** 23:18,19,21,24
82:12
- dolphin** 46:31 54:22,25
- domestic** 15:2 16:10
18:39 46:30 59:38
64:16 89:28 97:10
- domestic-caught**
148:11
- domestically** 16:8
139:10
- doo-doo** 103:35
- door** 41:41 96:25
- dorsal** 59:19
- doubled** 134:3 150:23
- doubt** 24:21
- doubtful** 76:31
- downhill** 32:32
- downloads** 88:44,45
- downstairs** 165:33
- dozen** 165:37,37
- Dr** 39:42 147:48 150:20
150:26,36 151:1,17
153:15
- draft** 26:6,44,47 27:1
36:44 38:3,6 41:27
45:1,13,22,39 92:9
107:18,22,47 109:5
110:12 117:42 118:21
118:35 121:2 122:14
122:21
- drafted** 26:37
- dramatic** 78:22 81:17
- dramatically** 18:10
- draw** 128:6
- dress** 135:17
- dressed** 145:37
- drift** 132:33 133:27
- drive** 69:10 129:38
- driven** 127:31 129:8
- driver** 154:1
- drives** 69:1,6,6
- drop** 10:37 80:44
- dropoff** 158:31
- dropoffs** 157:35
- dropped** 11:27 162:19
- drowning** 125:4
- drownings** 125:13
- DuBeck** 3:19 106:11,12
- due** 12:23 24:11 30:33
55:36,37 56:29 66:44
111:12 112:10 115:2
115:3 120:23 163:22
- Duke** 8:7
- dumping** 100:13
- dumpsters** 60:35
- Dunn** 15:44 91:44 92:28
- Durkee** 3:38 131:30,31
135:28 136:14,45
137:21,35
- duskies** 121:1,44
122:41 123:29,36,42
124:1 126:7 129:32
130:12,14,18,25
162:12
- dusky** 89:42 117:6,16
117:19,26,36 118:3
118:14 119:2,15,21
119:23,31,37,39
120:1,6,30,37,42,48
121:1,40 122:7,17,20
122:22,26,30 123:6
123:19 125:40,43
126:18,31 129:30
139:26 140:38 145:41
146:7 147:44 148:25
- dwelt** 17:15
- dying** 46:15
- dynamic** 82:29
-
- E**
-
- E** 87:1,1
- EA** 108:12 109:5,21
- earlier** 13:9 57:42 62:15
65:14,14 77:38 95:40
101:38 106:5 123:24
129:42 139:42 144:11
148:28 159:5
- earliest** 147:40,40
- early** 11:14,16,19 14:37
15:17 16:23,27 21:15

21:17,31 22:40 23:8
 23:11,31 24:2,19 26:5
 26:37,44 27:21,22
 31:26,48 36:44 39:12
 41:27 76:27,28
 112:33 140:42 141:46
Earth 120:46
easier 61:8 162:4
easily 69:26 155:40
east 96:18 132:36
 145:43,43 147:23
 148:13
easy 7:44 46:8 59:20
 61:7 121:26 154:46
eat 130:18,20 158:39
 161:3
eaten 115:32 141:38
eating 123:42 141:40
EBCD 16:31
eBDC 16:40
eco-labeling 16:12
 18:27
economic 11:40 35:3
 65:33 101:31
economically 38:32
 39:43
economics 35:42 36:1
 36:3
economies 25:19
ecosystem 153:45
 154:39 155:7,23,25
eDealer 17:29 73:37,41
 74:2,11 81:12
edge 145:18
Edisto 53:32
educate 25:27
education 53:20 58:11
 121:17 122:36 123:15
EEZ 43:9 52:32 54:26
effect 10:47 11:7 39:34
 67:3 74:7,8,42 110:26
 160:27
effective 10:36 46:10
 62:38 64:10 83:17
 99:10 131:48 132:21
 134:36
effectively 49:12,17
 90:19
effects 40:45
efficient 38:33,36 99:36
 100:11
efficiently 49:11
effort 14:26 15:30 47:31
 49:10 55:30 81:9
 84:40 90:25 97:39
 120:10,16,28 122:2
efforts 26:2 33:22 37:14
 45:30 50:20 89:48

96:7,16
EFH 9:23,25
EFP 4:38 67:1,3,9 84:32
eight 54:34,36 55:2
 135:16 139:36 144:47
 146:29
Eight 7 65:15
eighty-four 56:47
Eileen 3:13 4:43 76:38
 87:8 93:44 95:18
 139:41 141:5
EIS 113:5 128:30,34
either 10:24 15:15
 24:11 28:25 30:34
 35:47 43:10 52:33
 57:7,34 58:10,41
 67:23 70:16 77:7
 82:45 83:13 93:20
 94:8 96:36 107:1
 115:47 120:3 150:25
 154:5
elaborate 150:39
electronic 13:21,38
 54:43 63:22 68:1,35
 69:44 75:43 89:9
 159:9 160:31
element 157:7
elements 14:16 40:26
 62:45
eligible 67:24,24,25
 68:44,45,45
eliminate 85:6 123:17
eliminated 40:9 69:24
 123:6
eliminating 146:22
elimination 31:24
Elizabeth 55:25
ELO 53:16
eloquently 99:4
eluded 40:24
EM 89:13
email 14:4 41:31 75:19
 93:7,9,34 104:6,10
 157:5
emailing 85:11
emphasis 101:32
emphasized 154:2
emphasizing 157:32
employed 52:37
employee 52:37 87:43
employer 163:1
empty 70:28 87:31
enact 159:32
enacted 162:34
encapsulated 27:25
encapsulating 129:36
encounter 129:32
encountered 129:31

encountering 122:26
encourage 14:15,43
 15:40 93:33
encouraged 25:14
 133:22
Endangered 4:18 118:4
ended 19:21 27:18
 130:14 133:2
endgame 83:17
endorsement 121:13
 123:15
ends 139:2
enforcement 3:23,28
 4:29,30 8:32 48:21,28
 48:32,35,40,43 49:9
 50:33,34 51:1,30,31
 51:37,45,46 52:1,9,14
 52:22,27,48 53:6,24
 53:43 54:21 58:11,29
 58:38 76:16 87:25,29
 87:33,34
engage 13:20 15:15,40
engaged 49:9 57:43
 89:30 157:3,9
engaging 92:42
England 6:43 12:2 77:9
 93:4 103:13,17,19,21
 103:28,31,32,34
 104:26,29 139:12
 154:19
England's 76:23
English 24:43 26:42
 163:14,15
enjoy 6:32 86:9
enjoyed 6:18
enlighten 30:26
enough's 161:15
Enrique 94:25 140:19
 147:25 148:35 149:17
ensure 26:1 58:9
entanglement 115:2
enter 85:3
entered 23:10
entire 32:13 40:47
 55:34 82:22 88:43
 110:37
entity 30:17
entry 54:31 91:9
envelope 76:44 135:13
environment 21:48
 23:46 27:46 28:17
 84:38
environmental 7:21
 22:13 52:12,19 95:28
 113:4 154:6
environments 32:47
 33:30
EO 52:22

EO's 53:32
ephemeral 22:21
equal 106:48 154:47,47
equally 23:19,22
equation 154:29,30
equations 154:36
equipment 78:48,48
equity 77:36
Eric 59:33
erroneous 67:36
 101:48
error 129:9
errors 119:44
ERT/NOAA 3:21
ERT/NOOA 3:29
ESA 12:19 18:34,42,45
 51:7 118:9 120:30
especially 18:42 57:24
 78:44 101:37 112:47
 136:40 143:47 147:7
 155:36 160:2 161:20
essence 153:26
essential 9:11 37:41
essentially 18:25 37:5
 45:4 48:13 49:30
 50:10 63:11 65:42
 68:36 70:15 72:19
 91:17 138:20
establish 14:32 44:8
 108:5,14 112:35
 121:1 132:21 133:25
established 44:44,44
 64:14 135:13 156:25
estimate 118:44 119:48
estimated 123:9 129:2
 129:5 136:43
estimates 119:11,40,41
 119:43 120:1 121:20
 129:12,21 136:39
 146:18
et 17:25 29:28 33:13
 65:44 70:35,47 75:39
 88:15
evaluate 25:41 43:46
 44:42
evaluated 23:26 41:26
 107:41
evaluating 23:34 45:6
evaluation 99:30
 128:21
evaluations 128:18
evening 85:36
event 70:30
eventually 48:4 76:15
 113:19 146:31
everybody 6:5 29:36
 78:41 79:17 81:20
 84:47 87:11,14 92:32

93:7,31 98:10 100:28
 104:1 106:12 114:14
 114:18 116:37 130:27
 142:26 152:31 159:26
 164:28
everybody's 81:13
 154:13,22
everyone's 50:4
Everything's 114:4
evidence 37:5
evident 147:24
evolve 76:16
exact 29:4
exactly 17:26 34:12
 37:16 59:23 78:28
 116:5 135:33 138:6
exam 61:31
examining 101:33
example 9:19 23:41,43
 27:27,38 36:5 37:25
 46:26 66:28 68:5
 69:12,25,27 79:10
 96:39 103:11 111:33
 127:27 139:15 144:5
 155:19
examples 155:15,27
exams 160:23
exceed 133:11 148:6
exceeding 106:25
excellence 14:14
excellent 18:24,29
 20:25 87:6
exception 19:48 34:12
 132:10
excess 54:9
excessive 133:17
exchange 43:36 45:9
 48:10 57:38 163:10
excited 12:6 88:12
exclude 43:27
excluded 40:14
excluding 159:33
exclusive 159:40
excuse 66:12 109:28
 110:1
execution 51:47
exempted 4:17 9:30
 66:40
exercise 101:43 155:41
exhausted 33:15
exist 71:26
existent 126:6
existing 26:7 45:31,34
 63:34
exists 57:31 129:21
expand 38:24
expanded 123:8
expansions 129:14

expect 16:30 18:36
 82:35
expectations 153:31
expected 12:45 24:29
 75:44
expecting 153:25
expended 55:31
expenses 161:26
expensive 84:26 98:35
experience 12:7 25:26
 34:17 35:22 77:37
 87:40,41 97:44
 153:17 154:3
experienced 34:13
 76:11 154:11
experiencing 133:43
experimental 164:31,45
expert 33:13
expertise 149:47
experts 34:20,22
 127:24
expires 14:40
explain 53:41 90:32
explained 53:11 54:2
 114:47
explaining 84:17 96:44
exploding 94:34 141:36
 141:40 142:39
exploratory 165:35
explore 96:6 165:34
explosion 126:29
 127:24
exposed 157:20
exposure 23:44 31:10
 31:44 41:12 98:2
extend 79:7 118:29
 122:38
extended 115:36
extension 25:21
extensions 91:25
extensive 34:16
extensively 41:25
extent 30:38 38:28
 39:33 90:2 97:2
extenuating 28:19
external 153:15
exterrain 33:30
extra 79:35 123:22
extremely 59:13 80:36
 81:7,34
extremes 155:46
eye 146:40
eyes 56:44 57:4 61:17
 142:10 161:9,10

F

F 87:1
face 48:42 51:23 156:48

Facebook 52:30
faced 82:44 163:47,48
 164:13
faces 60:40 87:12,17
facets 86:1
facilitate 6:20 45:33
 69:8
facilitated 165:30
facilitator 1:26 3:32 4:5
 4:7 6:16
facing 106:23 154:16
 156:19
fact 26:45 34:38 35:31
 43:7,14,15 47:28 53:9
 63:3 66:24 75:8 85:13
 97:3 98:34 102:19,38
 114:11 124:3,44
 125:1,42 128:2
 143:24 151:38 154:2
factor 74:4 120:25
factored 126:44
factors 16:3 62:36
 74:27,29 99:37 100:2
 120:24 141:10,12,13
 141:21 154:27,35
facts 94:45
factual 101:46
fail 125:27
failed 52:25 53:26
failing 53:29 54:22
failure 56:18
fair 131:12
fairly 31:47 67:43 69:13
 69:18 78:22 116:13
 141:28
fairness 65:32
Fairplay 9:41 10:5,14
faith 151:27
fall 6:3 12:23 16:27
 65:40 133:1 134:36
falls 28:35
familiar 21:42 24:21
 87:12,17,18
familiarize 71:2
family 95:2
FAO 16:12,16 18:26
 101:39
far 9:29 31:21,46 37:46
 39:44,47 41:23,24
 42:22,26 44:13 50:48
 77:30 78:1 105:19
 113:23 130:48 135:37
 138:36 140:48 146:26
 146:39 148:12 152:35
 161:31,43
faring 70:32 71:31 72:8
fashion 34:33 165:35
fast 110:18 111:46

116:40 145:23 158:38
faster 76:36 126:32
 162:34
fathom 131:3
favorite 114:25
fax 85:11
FDA 54:30
fears 78:18
features 93:14
February 49:23 90:48
 92:1 145:41
fed 161:5,7,16 163:4
federal 22:10 23:22,26
 53:12,41 57:45 87:43
 88:26 93:15 95:1,6
 97:41 100:25 131:41
 131:47 132:2 156:25
 157:1
fee 113:43
feed 90:35 92:25
feedback 42:21,24
 50:46 60:5
feel 58:27,32 67:35
 87:13,27,35 102:33
 114:37
feeling 77:41
feet 122:10
fell 10:12
felt 109:46,48 133:16
 158:19
female 121:39
fest 97:46
fewer 99:33 142:42
FIB 128:37
field 13:15 22:20 34:2
 97:31
fifteen 80:47 131:2
Fifty-eight 72:40
fight 130:14
figure 22:40 30:15
 99:40 103:7,8 134:11
 141:47 153:40
figured 136:43
figures 39:36,37
figuring 30:21
filed 65:37
fill 10:26 155:2
filleted 54:24
filleting 56:19
fills 51:1 87:30
film 80:13
fin 30:40 59:17,18
 133:4,10
final 5:12 9:17,22 13:2
 14:33 16:44 21:22
 26:40 36:8,38,44
 45:41 61:30 64:2
 75:38 107:7,10,18,26

107:26,28 108:12,22
 108:28 109:21 110:13
 110:25 118:6 122:42
 134:6,35 136:22,24
 137:36,39 138:21,25
 150:11
finalization 36:45
finalized 14:34 23:7
 33:38 45:40 117:46
 118:7 132:12 141:7
 151:28
finalizing 21:21,39
finally 17:15 25:48
 39:28 58:17 62:13
 104:36 129:40 132:15
 132:34 133:30 154:14
financial 25:17 31:46
 94:47
financially 30:3 46:47
 81:43 83:37
find 6:31 17:38 26:41
 37:8,14 39:20,23
 46:45 58:36 66:13
 85:17 98:24 104:2,10
 114:10 124:22 129:1
 137:23
finding 12:39,48 13:5
 42:15 154:15
findings 36:6
fine 51:42
finer 113:6
finest 54:48
finetoothed 139:22
finger 80:41
 fingertips 124:39
finish 13:14 51:20
 140:43 148:1
fins 132:8 160:24
firm 48:23 61:38 106:1
first 9:37 10:39 11:30
 14:12 15:2 17:1 24:48
 25:12 26:18 27:7,22
 33:38 39:29 40:21
 42:14,39 44:39 46:31
 49:39 50:7 56:12 59:5
 59:42 67:4 71:28 75:5
 75:5,6 78:31 89:17
 90:8 92:43 103:12
 106:15 107:14 112:36
 112:43 118:36 125:40
 130:13 131:40,44
 132:4 135:30 140:10
 158:34 160:41,43
 162:11
fiscal 13:16 55:29 56:48
 57:1 60:3
fish 7:24 8:3 9:11 16:1
 18:19 24:27 25:5 28:5

29:21,32 30:19,40
 31:11,14,15,18,37
 32:25,35 34:42 35:5,6
 35:47 38:23 39:5,44
 39:48 40:3 41:1 43:12
 43:41 44:3 45:15 48:4
 48:14 53:27,29 54:24
 54:29 57:24 58:18
 66:2,2 67:2,5 68:4,4,9
 68:28 70:18,21,22,26
 76:43,45 77:18,20
 78:1,3 81:27,48 82:5
 82:35,40,40,46 83:37
 84:26,35 95:32,32
 101:6 103:19 106:24
 115:1 119:6 124:27
 130:31,34 135:10
 137:14 141:9 142:12
 148:21 150:22 152:21
 163:17 164:39
fish/overfishing 113:17
fisheries 1:6 3:14,27
 4:20,25,30,44 7:6,34
 7:38 11:16 12:30 14:3
 14:13,25 15:3,4,42
 16:10,11,13,21 18:16
 18:26,28,38 19:23
 20:28 21:42 39:11
 50:8,23,31 56:7 76:1
 76:12,40,40 77:10
 87:28,31,38,39 88:29
 89:29,34 90:1,10,12
 90:15,16,20 92:6,19
 92:32 93:6,43 96:40
 101:8,31,39 102:37
 102:38 103:18,28
 104:48 110:31 113:42
 118:31,34 119:4,7,32
 127:33 129:27,28
 133:28 134:5 143:30
 144:17 159:27 162:28
 162:32,36
fisherman 7:4 46:37
 103:20 152:22 159:25
 160:20
fisherman's 151:39
fishermen 24:44 25:4
 25:10 27:28 32:8,13
 35:1 46:20 54:15
 60:46 65:34 75:8
 95:43 102:45 114:34
 114:45,48 115:5,11
 124:21 133:32 142:1
 152:5,18,20,36
 156:47 160:3,47
 161:1 163:16
Fishermen's 8:20
fisherperson 103:34

fishers 25:13,18,41
 31:35
fishery 6:43 7:16 15:25
 18:41 24:17,23,31
 31:24,29,29,31,33
 33:8,28 34:30,41
 36:14,29 38:37 40:43
 44:11,28,31 45:16
 46:12 62:35 63:6,19
 63:25,31 64:16,22
 65:23,24,26,28 66:23
 66:37,38,41 67:9,47
 69:42 70:4,31,32
 71:31 73:4,35,37
 74:14,22,26,28,30
 77:7,39,43 79:2,34,43
 82:38 84:9 85:38 91:5
 93:45 101:6 102:10
 102:34,40,44,48
 106:23,26,39,45,47
 107:20,25,30,43,45
 108:3,15,20,25,30,48
 110:21,27,35,37
 111:25,30,47 114:40
 114:41 116:12 117:30
 117:33 118:15,18,20
 118:37,41,45,46,48
 119:9 120:31,34
 122:43 123:26 127:27
 129:46 130:39,47
 131:1,35 132:36
 133:26,27 134:18
 138:7 141:13,44,48
 142:7,20 145:4,5
 146:10 151:37,42,44
 151:45,46 152:4,11
 152:24,38,39,41
 154:8,28,40,43,46
 156:45 164:10,14,30
 164:31,45
fishery's 55:33,47
 70:36 135:16
fishes 75:6
fishing 4:17 7:43 9:30
 10:1,42 12:29 14:13
 24:29,34,35,42,48
 27:33 30:5 43:2 44:21
 51:13 52:5,24,40,43
 56:42 57:7,8,11 58:24
 60:11,31 66:40 68:9
 68:19 76:47 77:12,18
 81:47 82:18,44 83:3
 83:24,28 85:19 88:20
 91:43 92:29,30 97:11
 103:30,31 111:32
 117:16 119:12 121:25
 122:15 125:28 130:36
 130:37,38 131:2

133:9,9 134:15,17
 145:12,13 157:9,34
 160:12
fit 36:12 135:32 136:48
 158:20
fits 30:25
five 18:14,17 23:17
 30:47 40:2 53:3 54:39
 58:48 61:22 102:27
 106:39 107:12 112:12
 130:17 131:9 133:4
 137:13,14,15 143:28
 143:35 154:31,34,36
 155:13,20 158:21
 160:27
five-fish 79:45
five-year 9:23
fix 96:27
fixed 157:3
flag 56:23 124:33
flames 6:7
flavor 80:21
fleet 33:17 34:48 36:2
 40:9,47 41:13 46:11
 46:13,42 47:15,18
 71:13 82:39 83:19,26
 98:32 122:24,30
 127:8 130:33,45
 146:38
fleet-wide 89:13
flexibility 26:20 34:34
 67:46 84:30 110:39
 163:45
flexible 31:2 106:21
flip 35:16 48:9
floating 79:39 104:34
flood 83:47
floor 112:26
Florida 6:41 7:23 11:8
 12:4 21:36 22:9 23:20
 24:25 40:1 54:6,15,19
 56:14 65:37 132:37
 133:42 139:32 145:18
 148:14,47 156:37
 158:8,12 163:15
flying 37:4 115:33
focus 30:46 31:1 46:8
 49:20,36 50:20,22
 55:38 91:31 97:24,32
 106:42 120:32 146:33
focused 30:32 46:9
 47:1 69:47 88:30
 132:41 154:32
focuses 131:33
focusing 29:24 51:29
 57:18 101:28
folks 6:10 8:48 9:35
 12:17 21:4,5 28:14,18

29:11 34:18 61:5 62:8
 67:29 69:6 74:18
 75:19,47 76:9,14,17
 77:41 80:20 87:4
 93:26 96:45 97:15,35
 97:39,42 105:13,17
 105:36 106:4 113:45
 124:5 131:18,22
 136:13,33 137:42
 148:40,43 149:9
 156:46 163:29 165:37
 165:41
follow 34:27 98:47
 102:47 148:21 150:2
 157:13
follow-on 28:9
follow-up 32:18 59:6
followed 11:18 148:19
following 59:5 61:3
 76:33 88:13 89:42
 115:12 159:33
food 160:3,48 161:3
foot 145:13,23 158:31
 161:5
footage 80:20
force 15:30 57:43 58:3
 90:42,45,47 91:14,18
fore 36:27
foreign 30:46 46:21,36
 56:22,42 58:24 59:40
 60:11
foremost 69:4 162:11
forget 20:23,23 145:47
 160:37
forgot 29:14 61:14
 160:36
forgotten 151:30
 152:47
fork 117:28 121:38
 152:1,7,9
form 14:43 26:6
forma 88:33
format 149:37 165:27
former 94:39
formulating 104:35
formulation 90:44
Fort 8:16 163:18
forth 92:34 105:8
 143:13
fortunately 6:6 127:17
fortune 162:40
Forty 18:14
forty-five 113:31
forums 33:45
forward 13:11 35:24
 45:2 49:3 51:23 54:44
 64:6 66:25 81:31
 90:17 93:33 94:41

96:10 97:28 107:6
 110:13 113:10 119:26
 120:19 128:28,43
 136:17 147:35 159:18
 161:14
forwarded 104:19
foster 58:15
found 12:39 54:8 70:33
 108:33 158:11 163:30
Foundation 8:10,12
four 14:9 21:27 46:2
 51:16 59:8,32 64:39
 137:15 138:32 142:43
 148:3 155:19
four-and-a-half 82:15
four-fish 79:44
four-year 55:23
fourteen 154:35 158:22
fourth 70:42
foyer 39:25
framework 141:8
frankly 28:28 78:42
 83:34 99:13
Fraud 90:42
free 10:11 58:27,32
 87:47,47
Freeman 62:15
Freeport 51:34
frequency 16:4
frequently 17:24
 105:27
fresh 88:11
Friday 93:29,31 163:1
Friedel 159:23,24
front 50:24 61:32 75:45
 90:1 142:5
fronts 13:22
fruitful 42:12
frustrated 161:19
frustrating 129:1,12,22
frustration 95:1
fuel 35:44 38:36
fulfill 88:23
fulfillment 82:25
full 12:40,43 17:3 68:43
 76:32 91:17 94:8,26
 94:30,33 104:12
 112:16 113:5,12,19
 129:26 145:47,48
 148:23,31 150:6,32
full-draft 26:4
Fullenkamp 14:24
fully 16:30 17:8 25:35
 26:30 29:22 30:19
 34:12 36:47 37:13
 43:11 78:23
fun 147:7
fund 7:21 37:15

fundamental 36:1
Fundamentally 35:41
funded 11:39
funding 14:41,45 38:21
 45:9 48:10
funeral 43:21
funny 157:24
further 13:36 45:43
 48:3 73:23 75:30
 77:16,20 96:18
 115:47
Furthermore 144:36
future 5:14 14:46 19:4
 19:11 25:42 55:3
 58:28 60:37 77:34
 90:20 93:20 113:36
 114:37 131:39 136:23
 147:36 148:9
FWC 54:7 148:48
FWCC 54:18
FY15 59:3

G

gain 48:4
gained 45:15
Galveston 52:28
gang 145:11 153:4
gangions 54:10 122:5
 122:10 126:48
gap 51:1
garbage 160:6
gas 93:21
gathering 19:8
gear 4:23 8:32 12:28
 14:1 21:3 24:20,37
 25:9,11,11,15,36,45
 26:32 34:45,45 35:23
 38:48 39:3,19,43,45
 39:45 42:48 43:32,38
 43:39 44:21,23 45:28
 45:33,38 54:10 56:24
 57:7,12,13,17,20,21
 57:29 60:19,22,22,23
 60:32 61:19 63:19
 74:4,20 95:42 117:32
 122:11,16 127:1,15
 130:2,8,24,34,36,45
 159:29
gears 12:19 25:6,23,28
 25:32,35,41,44 26:12
 26:30 35:2,43,48 36:3
 38:24,33,44 42:12
gender 57:22
general 4:13,30 8:30
 10:40 48:36,44 51:37
 54:20 55:4 62:34
 63:14,27 64:36 65:5
 66:1 74:29 76:25,31

77:4,13,16,44 78:17
 78:45 79:44 83:7
 89:32,33 98:37,42
 99:6 109:44 146:33
 154:38
generalized 136:46
generally 6:31 22:40
 43:20 79:42 80:9
 93:17 139:47 146:3
 147:19 155:45
generations 28:4 48:16
gentleman 159:17
 160:18
gentlemen 51:25
genuinely 92:8
geographic 28:8 55:34
 77:36 110:3 132:28
George 2:31 3:41 8:3
 74:39 76:20 77:29
 78:9 81:25
Georgia 1:24 7:42
 129:30
Gerencer 2:11 7:22,22
 29:12,17,46 32:18
 33:5,46
getting 6:18,19 9:36
 36:38 56:36 73:35
 76:1 79:3 82:34 83:36
 87:21 91:25 92:1,40
 97:18,19 99:47
 100:19 101:24 104:19
 105:28 129:41 137:33
 137:42 141:35,38,42
 142:38 145:10,13
 148:39 149:33 152:19
 155:38 161:40 163:4
giant 29:31 59:19 64:37
 66:47 76:23,29
 106:15 130:17
gill 113:1
gillnet 114:34,40 119:3
 132:33,35 133:26,27
 133:31 135:15
give 10:15 14:24 23:43
 27:27 28:11,29 39:1
 41:47 48:37 49:5
 50:29 51:9 55:28
 60:32 85:47 90:28
 95:40 97:21 101:19
 109:36 115:21,25
 116:38 126:8 130:8
 131:29 138:39 142:26
 147:18 149:42 151:27
 155:27 158:26 161:23
 164:45
give-back 100:43,45
 101:4 102:8
given 32:9 47:11,48

53:30 77:35 78:24,30
 80:22 83:25 87:46
 91:28 105:23,25
 114:18 131:1 136:12
 152:39,41
gives 102:3,20 131:3
giving 15:37 140:12
 162:32
glad 87:35 148:34
 150:28 158:18 161:38
gladly 85:2
Glen 160:18,19 163:7
Gloucester 52:16 62:30
go 6:9,13,33,34 8:24,28
 8:40 9:47 17:20,36
 21:1 22:20,28,36,41
 23:6 27:17,37 28:21
 28:25 32:44 35:17,38
 36:20,46 38:1 40:17
 43:1 45:46 47:24 48:3
 49:32 61:20,35,43
 68:19 69:40 70:38,43
 78:13,28 79:37 83:28
 85:7 86:6,8 87:4,9
 91:46 97:15 101:42
 104:17 106:6 107:5
 107:39 108:48 109:26
 113:9,46 115:14,25
 116:33,34,35 117:1
 118:32 123:45 124:3
 124:39,47 128:11
 129:17 131:8,43
 132:4 134:12 136:10
 138:10,41 142:10
 143:9,17,21 144:27
 148:15,21,44 151:3
 151:30 153:19 156:9
 159:14,21 161:25
 162:19 163:1,1 164:6
 165:15,18,43
go-around 6:11
goal 12:10 14:12,21
 17:2 22:3 24:26 25:37
 27:6 39:38 55:27
 106:27
goals 17:5 32:15 34:43
 49:16
goes 9:20 42:6 44:40
 50:48 63:12 75:4
 77:31 117:5 123:25
 124:33 126:37 145:39
going 6:9 8:20,28,30,31
 8:34,40 9:13 13:27
 15:30 18:41 20:26,29
 20:43,46 25:27 28:25
 30:6,11,43 32:32
 35:12,28,35,36,37,38
 37:8,32,33,38 40:11

42:1 43:33 44:1,3,13
 46:35,44 47:42 48:21
 48:22 49:42 50:15,41
 51:19,23 59:31,41
 61:21,35,41,43 62:30
 72:29 74:14,37 75:9
 78:18,26,27,28,29
 79:8,39,48 80:2,8,13
 80:17,30 81:17,42
 82:2,20,29,32,35,38
 82:43,44,48 84:1,29
 84:30,31,33 85:29,40
 85:41,41,47,48 86:5,9
 87:3,7,29,36,45 88:11
 88:40 89:20,34,46
 90:4,6,31,41 91:7,21
 91:30,36,39,42,44
 92:5,5,13,14,31,32
 93:4 94:19 95:45 96:9
 96:32 100:22 101:14
 102:14,27,39 105:24
 105:29,35,41,42,45
 106:14,15,17 107:27
 107:39 109:2 110:44
 111:4,11,19,21,46
 114:19 115:18,24
 116:38,39,44 117:1
 118:12,23,32 121:6
 121:12 124:3 125:40
 126:2,17,34,38 127:7
 127:10,39,40 128:10
 129:33,46 130:4,7,26
 131:12,23,27,28,32
 133:34 134:40 135:19
 136:41 138:6,7,9,11
 138:15,28,38,38,44
 144:29,46 145:20,29
 146:23,28 147:7,43
 148:16,38 151:13,45
 152:4,37,45 153:35
 153:39,46 154:11
 155:4,14,32,48
 156:21,22 157:16,43
 159:2 161:20,21,28
 161:29,42 163:3,8,21
 163:21 164:33,37
 165:15,38,44
golden 94:22
Golet 2:12 8:1,1
good 6:7,8,20,26 12:8
 14:7 18:31 21:6 32:43
 38:30 47:20 48:38
 51:25 55:15 60:41
 67:45 73:13 74:46
 75:35 79:40 83:6,44
 84:11 87:11,12,23,32
 87:33,34,48 89:19
 95:18 96:43 97:16,33

98:6 103:35 123:33
 123:42 124:42 125:17
 127:25,26 131:27
 135:31 137:8 138:37
 143:4 145:29 148:7
 150:32 151:26 153:38
 157:2 161:6 164:23
gotten 44:13 56:32
 85:10 96:19 125:1
government 33:48 34:1
 93:15 98:45 100:25
 104:23,32
Governor 159:43
GRA 74:7,8
grab 21:27
grabbed 130:19
gracious 80:19
grand 102:26
granted 35:32 65:38
graph 120:29,33,41
 135:44
graphs 119:20
Graves 2:13 6:48,48
 18:6
great 8:23 28:20 33:48
 35:27 37:18 46:26,32
 51:38 55:13,18 59:19
 78:16 79:12,22 87:30
 89:29 90:27 96:38
 97:38 102:15 116:30
 125:12 127:26 146:35
 146:42 150:41 153:16
greater 10:3,7,9,10,27
 21:23 22:41 28:6
 119:47 124:32 151:27
greatly 27:45 62:19
 77:1 98:31
green 73:27 119:22
 160:18
greenstick 13:13 25:11
 25:46 34:45 38:47
 39:3,12,14,43 42:47
 130:3,8,10
Gregg 2:14 7:23,23
 148:47,47 149:41
 150:11
Gregory 2:15 7:37,37
 137:28,29,41
grim 104:46
gross 10:7,10,14
ground 6:22 49:37,42
 85:29 103:19,34
group 9:41 57:32,39
 58:30 81:40 95:28
 96:4,5 97:30 98:20
 101:1 109:8 142:5
 143:45 150:38 156:46
 157:29

grouper 119:6 158:35
groups 15:24,32 57:44
 93:12 95:33 96:3,45
 98:23 99:43 101:48
 104:27 108:1 109:24
 111:3 143:36
grow 31:15
growing 18:48 92:21
growth 56:2 126:39
guaranteed 14:46
Guard 3:26,30 55:16,29
 55:43 57:9,32,33
 58:13,41 160:22,23
Guard's 55:8
guess 36:8 40:27 41:6
 42:11 43:18 44:40,47
 58:48 75:15 79:31
 87:13 99:19 100:35
 100:37 104:10 115:42
 125:16,48 163:5,33
 165:6
guidance 34:19 35:36
 56:32
guide 121:26
guideline 134:9
guidelines 16:12 18:27
guides 60:8
guide 36:13
Gulf 7:44 11:6,14,18
 12:1 22:9 23:19 24:5
 24:23,31,42,44 25:3
 25:24,33 26:24 29:3
 29:25,41 30:4,17
 31:11 32:14,22 33:8
 34:30,41,48 35:23,45
 36:2 38:32 39:5,45
 40:2,10,14,18,19,46
 40:48 41:1,4,16 43:13
 46:29 47:7,19,22,24
 47:27,31,39 55:17
 56:43 59:48 61:16
 63:21 68:21 71:15
 73:44 74:5,8 76:35,35
 83:31 94:1 109:4,12
 109:15,18,32 110:4
 110:29,32 111:9,11
 111:23 113:17,20
 133:40,41 134:2
 136:40 137:3 139:15
 139:17,30,32 142:39
 142:44,45 143:1,31
 143:40,46 144:16,20
 145:43 147:21,45
 148:11 156:36
GulfSpillRestoration....
 26:46
guy 3:19 40:1 85:22
 106:12 112:29 115:32

115:37
guy's 152:4
guys 21:41,44 46:44
 84:18,39 85:2 87:35
 88:18,26 91:45 93:31
 96:39,46 104:39
 129:45 131:31 136:31
 136:34 137:44 138:8
 145:9,12 148:20
 151:47 154:33 156:39
 157:24,27 158:46
 160:3,8,35

H

habitat 4:25 21:4 29:22
 30:16,19,22,26,32,35
 30:37,41 32:25,34,35
 32:42,45,48 33:14,20
 33:21,25,33,40,42,47
 34:2,4,8 35:33 36:10
 36:13 37:6 38:16 43:4
 76:45 92:37 97:31
 98:30
habitat's 30:20
habitats 9:12
half 11:30 29:36 38:19
 38:20 42:6 58:13,14
 71:28 94:5 113:25
 142:29,29 148:8
 161:37,38 165:37
halibut 52:20
Hall 92:48 104:4
halted 77:7
hammerhead 11:15
 12:25 13:8 59:14,17
 59:19 108:9 109:8,12
 109:24,37,38 110:6
 111:35 117:24 139:20
 146:29,30,34,35,35
 146:40 149:27 152:3
 152:5
hammerheads 59:15
 59:21 109:11 146:33
 146:42 152:1,16,25
hand 9:5 12:15,28
 95:42 98:8 148:41
 159:17
handgear 75:48
handle 80:9 94:10,22
 129:22
handled 63:29
handling 9:28 52:8
handout 20:42
hands 162:5
hands-down 101:41
hanging 102:35
Hanke 2:16 7:15,15
 156:4,7,12 158:25

happen 9:21 26:25
 98:46,46 102:27
 130:3 131:25 153:6
happened 52:44 56:47
 58:6 132:3 136:39
 146:20 162:47 164:9
 164:21
happening 15:34
 127:34
happens 148:36
happier 94:43
happy 31:19 36:16
 55:23 116:14 134:42
 137:23 142:10,31,34
 154:13,22 165:40
hard 27:42 37:31 56:39
 69:1,5,6,9 72:28 75:7
 84:15 101:13 111:17
 124:2,30 128:1
 137:11,24 146:41
 155:38
hardcopies 62:32
hardcopy 75:22
harder 20:14
hardware 68:37
HARP 2:17
harpoon 63:14,28 64:1
 65:21 66:1 76:25
 77:22 78:5,46 79:30
 79:33 95:42 96:5
harpooner 7:14
harvest 24:38 25:15
 34:42 53:5 108:18,20
 111:11,41 112:16
 133:44 142:27,48
 143:43 144:2,6
 151:46 152:6,14,21
 152:37
harvested 46:35 53:10
harvesting 53:15
hate 96:45
hated 97:47
Hatteras 7:30 63:20
 74:6 124:46 125:2,21
Haugen 8:46
Hawaii 20:1
He'll 58:29
head 10:42 27:38 29:33
 37:31 55:27 87:24,28
 119:12 145:23 160:5
heading 80:23 138:14
headquarters 51:27
 54:44 116:38
heads 131:29
health 84:8 126:41
 164:23
healthier 126:35
healthy 147:1

hear 8:48 17:12 31:19
 32:5 36:23,48 43:19
 45:41 46:4 62:9 87:17
 87:22 88:12 89:24
 92:35 105:37 120:6
 143:14 161:38
heard 62:10 74:17
 103:16,17 116:4
 121:31 136:19 138:2
 138:24,35 141:37,38
 160:10
hearing 9:5 32:6 78:39
 93:17 141:39
hearings 106:36,40,41
heart 92:27
heat 130:6
Heather 2:26 7:8
heavily 15:38
hedgy 129:37
held 21:35 53:17 83:41
 106:36 151:20
hello 48:37 106:11
 138:30
help 25:18 26:2 28:48
 33:7 35:3,7 36:16
 39:23 43:46 58:1
 60:42 62:6,12 95:25
 95:31 96:8,26 102:2
 103:9,42 113:29
 124:19 127:46 141:8
 151:37 153:39 158:18
 158:24 159:28 160:1
 160:7 165:40
helpful 35:19 48:29
 61:38 101:44 104:25
 104:35 105:40
helping 6:20 89:44
Henderschedt 15:35
 87:37 90:41
herring 76:46
Hester 147:48
Heuter 7:10
hey 97:15 103:1 153:4
Hi 87:11 95:18 101:25
 116:36 163:14
high 50:12,19 53:38
 55:19 73:20 74:24
 77:37,40 78:3 96:13
 99:39 107:39 115:33
 120:38 129:34 137:17
 145:31
higher 11:2 56:48 72:18
 75:27 85:18 154:43
highest 73:30 100:23
 122:20
highlight 11:13 14:23
 15:10 32:43 33:45
 34:31 50:5 57:46

highlighted 50:25
highlights 51:30
highly 1:10 25:23 34:15
 40:48 42:23
highseas 127:7,10
Hill 96:45
Hindsight's 162:37
hire 94:20 116:16
hires 95:11
historical 133:21,23
historically 30:32 34:7
 77:23
history 9:32 33:21
 46:38 77:30 140:22
 140:27 142:41 145:20
 145:21 157:42
hit 33:19 95:44 134:3
HMS 3:15,16,17,18,19
 3:20,25,31,33,34,35
 3:36,37,38,39,40,41
 3:42,43,44 4:14,27,33
 4:36,40 5:10,17 6:4
 6:14 8:24,46 9:23
 10:42 11:39 12:30
 13:32 14:9,20 15:26
 15:27,45 18:28 19:14
 19:24 21:12 39:18,21
 44:3,40 46:17 49:4
 50:27 51:27,35,43
 52:6,34,40 53:26,31
 53:38 54:1,2,16,43
 56:1,7,21,43 57:18
 58:26 62:30 89:22
 93:48 98:18 100:42
 101:9 107:5 115:11
 116:38 119:1,9
 121:43 122:23,43
 132:22 143:32 149:3
 149:7 150:48 156:24
 157:10 159:8
HOGAN 3:36
hold 20:10 85:29
 113:44 114:27
holders 10:41,42 13:47
 67:30 72:1 82:36
 107:1,2,32 110:42
 141:44 142:2,16,17
 142:18,23
holding 52:31 82:17,18
 82:37 83:4,24
holds 133:7
Hole 6:45
home 17:13 27:39
 70:39,45 130:41
Homeland 55:37,41
 59:43
homes 43:21
honestly 44:31 79:45

hook 122:10 124:13
 125:24 126:13 130:13
 130:17 158:34 159:48
hooking 159:35
hooks 70:28,28 122:3
 123:16 124:22 127:11
 129:46 159:36,41,48
 160:11,34
hoop 161:12,12,13
hoops 161:12,14
hope 19:43 25:37 31:4
 37:28 80:10 83:2
 90:38 96:25 134:35
 148:15 163:25
hopefully 6:5 8:47
 10:29 13:15 16:41
 38:24 39:12 41:6
 51:22 79:27 92:46
 101:23
hoping 87:26 93:31
 114:8 126:1 134:36
 138:37
Hopkins 160:19,19
 162:39
Horizon 4:23 8:32 21:2
 21:16,33 22:7 23:33
 24:14 28:2 29:26
 31:26 39:34 40:46
 48:30
hosted 93:5
hot 38:27 117:31
 122:15,31 130:1,1,5
 130:31
Hotel 1:24
hotline 54:18
hour 97:38 131:20
 143:13
hours 55:32,47 58:3,18
 66:9 70:27 73:9
 130:35
house 147:44
How's 62:43
HQ 131:31
HSM 143:28
Hudson 2:18 7:5,5
 51:33 55:10 58:44,45
 59:12 93:42,43
 112:29 123:1,2
 134:46,47 144:14,14
 150:19 151:22 157:48
huge 85:21 97:11 98:39
 129:9 146:15,44,45
hugely 46:41 83:22
human 33:41 70:23
 84:44 95:5 97:24
 100:5
hundred 23:18,21,24
 56:47

hundreds 40:3
hurdle 96:13
hurdles 69:12
hurting 27:29
hurts 163:3
hyperlink 55:11

I

IBQ 68:1
ICCAT 7:2 10:2,13,34
 13:17,21 16:6,25
 17:24,25,30 18:40
 47:9 62:42 63:34 64:4
 94:29,31 96:17 139:4
 139:5,45 140:10,38
 140:48 144:41 148:32
 149:25 150:2
ID 59:29 60:6,8 122:26
ID's 158:17
idea 41:48 42:2,14 59:9
 59:25 73:35 75:9 80:5
 104:16 107:15 112:21
 113:9 128:27 135:22
 147:16,19,37 150:43
 153:14,37,38 165:22
ideas 32:42 33:34 75:19
 88:13 104:33 165:34
identification 9:29
 17:41 18:1 59:31
 69:46 121:18,22,27
identified 33:6 36:6
 38:47 39:32 53:3
identifier 9:46
identifies 70:22 90:12
identify 27:20 36:31
 38:4,46 44:36 49:34
 54:35 59:9,10 76:6
 121:14
identifying 50:37,37,43
 59:12,20 120:5
IDing 120:7
idle 130:34
IHS 9:41 10:5,14
ilk 18:1
illegal 9:48 54:10
illegally 120:4
image 70:14
images 70:25
imagine 137:3
imagining 136:1
immediate 58:35,38
 116:16 120:47
IMO 4:19 9:38,39 10:4
impact 25:17 27:46
 30:6 31:47 32:11
 41:23 46:45 71:16
 74:19 81:17
impacted 30:9 32:23

33:9,11 77:1 129:47
impacting 85:38 100:2
impacts 17:6 27:48
 32:3,4,45 33:11 35:3
 37:6 65:33 73:34
 90:14 112:8
implement 21:20 69:15
 91:8,16 97:3 107:19
 107:29 108:13 113:8
 132:24 133:2 134:7
implementation 4:19
 16:40 22:32,36 26:47
 27:3,6 31:12 42:23
 48:15 49:40 50:1
 62:37 63:22 65:30
 69:43 78:19 80:10
 82:47 89:7,13 90:24
 90:32,48 91:18,43
 92:4,7,17 95:44
 118:39 120:24,26
 134:34
implemented 10:43
 23:25,30 32:10 65:11
 67:44 78:23 89:39
implementing 19:36,39
 27:6 92:30 106:38
 108:47 132:30 133:20
 134:30 136:46
implementations 17:7,42
 82:7 132:18
implore 84:28
imply 25:34
import 91:10
importance 18:34,35
 141:14 154:2,28,43
 154:46
important 6:21 30:20
 36:22 37:10 46:5
 59:13 70:47 72:10
 79:47 88:40 89:16,17
 90:21 94:13 95:33
 96:47 98:5 102:36
 116:23,25 123:28
 125:27 140:28 144:48
 152:26,28,29,34,35
 154:42 156:45
imported 91:10
imports 74:24 83:39
 91:5
impractical 39:43 40:4
imprecise 119:47 120:1
impressed 88:37
impression 163:34
improve 38:8 66:24,26
 149:4 159:45
improved 76:31
improvement 97:12
improvements 69:40

159:46
improving 122:11
in-person 69:21 93:8
in-shore 33:20
inactive 79:38
inadvertently 6:29
incentivized 25:14
inches 66:43 117:28
 121:38 123:40,41
incidence 18:9
incident 22:2 58:6
incidental 107:3 111:39
 113:32 156:43
include 12:27 22:8,11
 36:39,46 42:34 58:33
 59:3 69:7 77:21 79:14
 132:27 139:43 149:35
included 13:32 26:4
 41:27 52:40 54:39
 93:19 144:35
includes 17:30 22:45
 23:34 71:35 72:22
 141:16 144:16
including 26:42 63:19
 65:32 70:46 72:26
 91:4 93:21,22,23
 122:41 123:21 124:6
 126:31 128:23 131:34
 150:13 157:31
Inclusive 79:21,22
income 161:24,25
incompatible 69:38
incompletes 91:24
inconsistent 138:13
inconvenient 78:44
incorporate 121:17
 123:23
incorporated 6:40
 34:15 69:21 140:40
incorporates 33:29
incorrectly 80:44
increase 30:9 31:8
 55:48 60:45 62:42
 64:12 66:26 67:16
 90:15 107:36 108:23
 109:15,28,30,41,43
 110:39 111:9,43,44
 117:27 121:37 126:30
 126:39 143:42
increased 110:22,34
 140:27 145:8
increases 64:11
increasing 31:38 57:3
 73:14 96:20 100:3,4
 107:22,38 120:42
 151:36
increasingly 18:40
incredible 94:40

- incredibly** 91:2
incrementally 78:4
increments 163:35
incurred 71:32
independent 37:23,27
 37:40,48 40:29,42
 94:16 120:31,32
 123:23 127:22 144:38
independents 81:36,42
indicate 42:23
indicated 53:9 113:3
 124:32 140:39
indicates 50:14 119:47
indications 42:16 66:21
 123:37
indirectly 50:29
Indistinct 40:34
individual 13:44 47:14
 52:30 63:21 65:32
 67:23,43 68:34 73:6
 76:7 89:32 147:31
individually 55:1 83:32
 158:7
individuals 36:30 83:9
 83:23 88:48 117:30
 121:41
industries 18:32
industry 7:7 41:4 52:17
 60:43 61:6 75:10,47
 76:14 94:42 96:1 97:6
 97:17 98:26 103:3,30
 103:32 150:24,30
 157:19
inefficient 35:44
influence 18:42
inform 60:30 90:31
information 12:38
 13:34 17:6,11,26
 18:22 19:15 26:13,41
 27:32 28:48 39:18,19
 41:29 42:32 43:47
 44:11 56:37 58:8,31
 58:37 59:45 60:6
 61:31 66:5,14,15
 70:31,44 71:18,37
 72:44 74:32 75:28
 76:7 85:16 90:14,18
 100:13 101:45,48
 104:14,18 114:18
 115:13,46 116:41
 119:5,7,8,48 120:9,36
 124:30,38 136:13
 137:22 140:27 147:4
 147:22 148:35 151:16
informative 114:10
informed 17:8
informing 50:36
initial 12:37 30:12
 67:31,39 69:12 70:12
 70:44 75:41 78:35
 80:10,37 82:46
initially 63:12 69:10
 70:40 78:30 81:2
initiative 15:31,48
 18:29
initiatives 15:11 51:12
 92:34
injure 57:25
injured 22:18,23,35
 24:14,28 25:38 26:3
 31:9,39
injuries 21:48 23:16,32
 23:40 28:2,42 30:36
 31:3 45:17
injury 22:26,29,33,37
 22:38 23:14,47,48
 27:44,47 28:5,7,16,36
 30:33 31:10,40,41,44
 40:31 41:12,15 48:11
inlet 40:1 52:4,4 53:45
 124:46
input 14:15 15:40 21:38
 26:11 27:2 34:18
 36:47 42:5 45:20
 50:20 88:22,34,41,47
 89:43 90:4,28,39
 91:35 92:2,8,10,10,14
 92:40 99:26 100:23
 151:7
inputs 140:3,7,14
 148:31
insane 84:42
inseason 9:26 10:40,45
 11:11 62:41 63:29,46
 63:48 64:34,45 65:3,9
 72:2,6 109:2 111:7,31
 111:39,46
insinuating 34:20
inspected 52:5 54:38
inspection 15:37 52:43
 53:2,3 88:6,8
inspections 49:44
 52:15 54:29
installations 68:47
installed 68:39 89:10
instance 56:20,25
 70:17 99:23 130:9
institute 27:4
Institution 6:45
insurance 28:26
intact 54:23 160:24
integral 50:35 51:47
integrated 24:33
integrity 127:29
intel 57:38
intelligently 27:40
intend 36:47
intended 23:31 34:40
 34:46 35:2,7 43:16
 69:48 70:16
intensive 70:23
intent 9:24 21:45 41:9
 71:1 76:10
intention 36:40
interact 24:9 157:36
 158:33
interaction 46:34 73:20
 88:37 157:1
interactions 56:23,42
 73:22,26,29,31,32
 81:44 82:2 88:47
 114:48 115:6 122:17
 126:35,41 127:40,41
 150:14
interacts 130:25
intercept 146:15
intercepted 119:37
interception 60:23
interceptions 57:9 59:1
 60:18
interdict 58:24
interdicted 59:27 60:20
interdiction 60:24
interdictions 57:10
 59:2,4,26 60:17,30
interest 11:3 15:14
 19:25 32:6 42:15,17
 50:8 89:33 104:3,9
 165:39
interested 12:13,16
 19:7 22:48 43:38
 45:42 62:33 89:28
 91:33 93:16 104:27
 114:24 143:14 153:43
interesting 12:7 17:38
 43:8 87:41 127:20
interests 92:15
interim 91:20 151:7
Interior 22:12
interject 127:6
intern 160:42
internal 14:5 19:29
 49:46 82:13
internally 12:11 57:33
 83:20 92:12
international 9:39
 15:36 57:45 88:1,2,7
internationally 9:45
 18:40 139:3
internet 60:48
interpret 132:26
interrupted 77:17
intersessional 13:27
intrinsic 153:44
introduce 6:13,34 8:24
 48:33 49:2,6 51:22
 55:21 87:42
introduced 8:44 49:7
 49:24
introducing 6:10
introduction 4:7 49:6
introductions 8:26
introductory 50:17
invariably 124:22
invasive 83:32
investigation 51:36
 52:35 53:24 54:6,11
investigations 33:16
invite 21:22 34:23
 45:25
inviting 87:18 93:4
involve 72:17
involved 13:28 15:38
 19:1 34:1 37:14,26
 56:27 57:18 62:46
 64:11,18 65:42 74:16
 134:48 147:48 150:28
 151:4,26 153:16,21
involves 60:4 84:23
involving 22:2
Island 7:12,18 51:40
 53:33 60:34 93:1
isolate 70:25
isolated 27:47
issuance 9:39
issue 10:15,20 13:28
 20:44 28:11 33:19,33
 37:10 43:13 50:42
 52:23 56:15 60:44
 65:31 81:24,28 85:1
 92:26 95:48 98:5
 105:16 116:25 120:3
 126:18 133:22 138:25
 154:45 157:28 162:13
 162:35 163:19
issued 9:30,32,40
 52:17,19,47 53:14,28
 54:4,46 66:40 90:9
issues 6:18 11:46 17:41
 18:34,48 33:24 49:4
 50:27,37 65:31 80:11
 84:4,13,29 88:39
 89:21,26 98:43 99:12
 103:41 104:42 106:23
 106:24 121:3 157:24
 165:24,25
issuing 10:6
item 61:30
items 58:47
IUU 9:48 15:30 51:13
 54:34 57:43 90:42,45
 96:17

IV 21:15,21,31 22:44
26:5 33:38
IVQ 71:34 72:1 75:43
Iwicki 2:19 8:13,13

J

JA 52:1
JACKIE 3:39,43
JAMES 2:23 3:29
Jamie 21:9 36:24 43:23
January 11:31 62:38,40
64:38,44 65:27 66:17
71:20,23 73:13,18,39
74:7 77:5 78:7 82:3
82:30 111:3,29,36
113:8 120:17,21
132:4 134:37
January-March 65:7
Jason 2:4 7:33 39:28
47:45 74:40 78:10
143:20,37 147:27,46
jaw 124:23
Jeff 2:29 7:45 80:29
114:6 120:35 126:22
128:10 129:40 131:7
137:47 141:38
Jenkins 2:20 7:35,35
JENNIFER 3:34
Jersey 56:4 135:21
152:13
Jim 3:22 48:33,37,39
87:25,28,35
Jimmy 7:17
job 28:41 35:27 49:1
51:3 84:11 87:14
88:21 96:43 99:20
103:12 153:46
jobs 87:16
John 2:13 3:27 6:48
15:34 51:20,26 87:36
88:12 90:40 91:30
103:11 150:37
JOHNSON-CRAGG
3:43
joined 21:8
joint 51:46 54:28
joking 29:42
JOSEPH 3:42
journeyman 94:6
Judge 65:38
juggled 143:35
July 11:7,19,27 21:34
56:48 59:3 65:24
66:17,38 69:2 71:39
71:46 73:15,23 76:25
77:24 122:39,39
152:13,27
jump 124:11,12 138:18

jumping 124:35 161:11
jumps 135:23
June 11:16,31 14:37
62:39 64:40 65:23
69:2 71:20,23 73:22
73:39 76:24 77:8,23
82:4 120:17,21
131:45
jurisdiction 48:48
56:30
Justice 65:37 120:46
justify 124:2 153:41

K

Karyl 3:17 115:43
116:21 145:45 147:29
148:17 150:44
Katie 3:26,35 48:27
55:15
Katy 12:16
Keeling 3:21 21:10
keep 9:4 16:38 35:8,18
45:48 47:35 56:44
61:22,43 67:41 74:40
80:17 82:43 84:40
85:40 96:45 103:40
108:4 121:46 143:36
143:40 144:23 146:48
keeping 79:43 84:15
129:29 141:21
Kelly 2:21 8:9,9 38:40
159:4,13
kept 116:28 119:2
141:47 147:19 163:48
Kerstetter 2:22 8:15,15
35:21 36:32 39:1,42
key 34:39 36:6 38:22
79:31 90:27
kidding 88:19
killed 134:17
kind 9:7,20 10:17 11:45
12:29 14:11 15:18
16:13 20:5 21:13,19
27:25 31:41 33:24,25
35:13,18 41:39 42:8
44:25 49:5,35,44,46
49:47 50:5,6,9,13,17
50:25,29,39,43 51:1,9
51:16,20 59:44 61:41
62:16 69:25 73:4
77:32 80:20,39 83:16
87:16 88:9 89:33
90:30 91:31 93:19,23
97:14 98:16,42 99:15
99:28 100:47 101:28
102:23 104:6,16
106:1,14,19,22,26,27
107:34 108:27,45

110:18,19,43,47
111:17,17,26 112:23
113:35 117:4,21
118:12,16,23,29
119:30 120:19,19,25
120:27 121:14,26
124:1,12 125:36,46
126:5 129:6,36
134:42 135:19 143:22
151:11 153:3 158:17
159:9 161:45 162:2
165:23,26
kinds 11:45,48 90:37
93:18 96:6 101:10
104:33 105:38
knees 125:12
knew 21:44 79:38
147:20
knocking 96:25
know 6:11,12,18,19,22
6:23,26,27,29,30 8:45
11:42 17:24,45 18:4
18:37,39 20:9,10 24:5
30:3,3,13 32:17,31,48
33:2,4 34:28,33 35:13
35:16,18,22,46 36:9
36:10 37:24 38:14,15
38:18,21,24,26,29,34
38:35,36 39:30,34,39
39:42,47 40:5,31,41
41:2,3,6,39 42:1,1,11
42:11,45 43:19,30
44:2,28,30,35 45:26
46:30,30 47:2,6,22,23
47:28,31,36 54:48
58:41 61:46,47,48
62:20,23 66:13,25
71:26 74:31,42 75:7
75:10,18,32 77:43
78:18,33 79:11 80:2,7
80:11,11 81:21,22
82:2,9,21,27 83:17,30
83:44 84:1,34,34
85:23,31,34,35 86:1
87:14,15,26 88:12,14
88:18,19,27 89:5,13
89:21,31,39,43,47
90:26 91:35,37 92:20
92:28,36 93:7,25
94:11,46 95:5,21,34
96:30,35,41,46 97:1,9
97:16,23,38,46,48
98:1,5,5,17,24,28
99:22,23,24,25,36,38
99:41,46 100:4,7,12
100:14,21,25,28,43
100:47,48 101:18,30
101:41,42,46 102:2,5

102:7,8,12,13,19,21
102:21,22,24,33,34
102:43,46 103:1,7,11
103:23,26,32 104:1
104:17,24,34 105:3
105:16,20,22,24,27
105:28 106:24,25
107:29,35 108:34,37
108:40 109:40,44,46
109:48 110:15,25,36
111:16,28,31,42
113:27 114:10,11,12
114:14,17 115:36
116:21 118:15 119:35
119:44 120:4 125:26
125:27 126:25,26
127:14,20,22,29
128:2,2,17 129:12,13
129:30,35,45,48
130:5,25,32,41,44,48
136:42 137:14 138:4
138:14,34 140:30,48
143:23 144:2 146:8
146:24,26,36 147:15
147:25 149:8,14,35
150:6,30 151:34,38
151:48 152:24,30,31
153:1,5 154:20
155:10 156:22,28,43
157:42 158:1,14,39
159:22 161:2,8,30,31
161:37,38,47,48
162:9,46 163:1,2
164:38 165:22,23,27
165:31,32,40
knowing 121:22 123:48
129:8,11
knowledge 28:42 89:33
100:41
known 62:16 104:25
144:34 147:37
knows 50:48 162:41
krill 155:15

L

Lab 19:23 94:10
label 69:8
Laboratory 7:9
lack 78:36 82:27 83:15
ladies 51:25
lag 100:8
Lakes 55:19
land 20:5 68:28 79:1
163:21 164:17,25,32
164:37,47
landed 51:33,39 66:3
66:47 71:21,22
111:37 120:2 132:7

148:5
landing 24:22 27:34
 51:44 53:25,30 66:10
 78:2 81:12 103:23
 120:4 125:25 147:34
 159:8 160:24
landings 4:15 11:23,24
 11:26,27,29,33 13:40
 17:37 24:24 66:4,18
 66:31 67:11,17 70:34
 71:5,12,18,35 74:1,10
 74:13 75:28 76:27,30
 80:38 81:18 108:35
 110:8 111:19 123:7
 125:43 128:5 133:21
 133:23 134:20 135:9
 135:26,34,45 136:2
 140:23 145:2 146:19
 147:22 156:43 163:36
 164:3
Landon 3:22 48:33,38
 48:39 87:25
Landry 3:24 21:6,7
 27:42 28:31 29:2,7,15
 29:15,45 30:28 32:39
 33:18 34:6 36:18,21
 41:8 42:3,20,37 43:23
 45:8 48:8
language 132:27
 157:12
large 11:15 28:15 40:25
 52:45,46 64:37,42,47
 65:1 78:46 92:38
 107:23,31,33,44,48
 108:8,39,48 109:7,23
 110:30,38 111:5,6,30
 111:35,40,41 113:36
 115:2 119:35 120:18
 122:22 124:12,34,35
 134:25 136:42 137:4
 139:8,21 141:24
 143:45 144:1,1 145:9
 147:27,33 163:34,43
largely 30:35 41:16
 66:44 129:8
larger 56:1 68:21 72:27
 78:6 129:36 137:40
largest 142:46
larval 48:1
last-serve 9:36
lastly 64:26 128:26
lasts 139:47
late 87:19,21 140:41
latest 114:15
latitude 108:1,16 109:9
 109:25,26,48 110:1
 110:30 112:10,40
Lauderdale 8:16

Laughter 125:15
launch 61:19
launches 56:47 58:1
Laura 3:21 21:10
law 3:22,27 4:29,30
 8:32 20:5 48:21,28,32
 48:34,40 49:8 87:24
 87:28,32,34 102:47
 159:42
laws 65:42
Lawson 2:23 7:17,17
lawsuit 65:42
laying 15:17
layout 71:3
lays 16:2 45:2
Lea 1:25 3:32 4:5 6:3,15
 8:22,27 17:19,34
 18:20 19:12,30 20:18
 20:20,48 27:11 29:8
 35:10 36:20 37:1 38:9
 38:39 39:27 41:33
 44:12 45:44 47:45
 48:18 55:6,14 58:42
 60:14,38 61:10,20,35
 74:36 76:20 78:9
 80:25 85:28 86:5 87:3
 93:36 95:16 98:13
 100:31,34 101:22
 103:43 104:36 105:33
 105:48 106:10 112:27
 113:39,47 114:6,19
 114:22,29 115:16,20
 115:24 116:30,35
 122:47 123:31 125:33
 126:21 128:8,45
 129:40 131:7,16
 134:44 136:3,36
 137:6,27,47 138:27
 143:19,37 144:11
 148:37,43 150:17,44
 151:21,29 153:8
 155:29,47 156:5,11
 157:47 158:48 159:10
 159:14 160:14 163:7
 165:8,11,14
lead 12:36 15:4 133:17
leader 124:26 130:46
 131:3
leadership 4:42 87:8,31
 89:22
leading 10:18 14:25
leads 154:11
leaks 80:43
leaning 126:2 138:1,4
 138:23
LeANN 3:36
learned 52:35 147:38
learning 12:7 43:38

69:10 75:44,45
lease 72:31
leased 72:21,23,35,41
 73:1,27
leases 72:11,27,30
leasing 68:31 72:8,9,16
 72:34,39
leave 31:14,36 68:20
 82:46
leaves 29:5 36:45
leaving 80:4
led 15:22
left 45:19 48:14 61:45
 98:14 103:20 134:25
 135:46 138:46 141:30
 146:29 164:3,11
left-hand 67:10 71:4
leftover 77:11
leg 50:35
legal 52:38 56:28,32,38
 65:31 147:32 153:32
 156:32 159:7
legitimate 38:37 101:17
 101:18,21
length 10:9,13 32:9
 57:20 66:8 90:5
 117:29 121:38 152:1
 152:7,9
lessor 114:43
let's 28:10 85:39 122:45
 147:6,26 148:44
 151:48 152:45 159:1
 159:14 160:36 161:34
letter 115:12 156:17,21
 163:27,30
letters 9:31
letting 129:37 146:8
level 13:23 49:36 55:40
 59:46 63:44 66:27
 68:15 72:5,18,27 73:5
 75:30 81:34 88:38
 90:26,30 119:31
 145:5
levels 56:27 67:21
 97:19 105:8 111:39
 133:45
Liaison 58:13
license 52:21 87:47
 157:10,10,14
licensed 61:3
Lieutenant 55:22,24
 58:27
life 28:4 33:29,32 37:13
 140:22,27 142:41
lifestyle 84:23
liked 97:47
likewise 115:40 123:12
 124:4

limit 10:14,46 11:2 32:7
 52:46 64:37,41 79:44
 79:45 107:22,23,31
 107:32,36 109:2
 110:37 111:7,31,38
 111:43,44,45 112:32
 112:39,42,45 113:31
 113:33 115:7 126:3
 127:40 133:26,30
 141:43
limitations 80:22 149:9
limited 10:25 24:11
 40:18,19 47:21 49:14
 49:21 64:23 83:45
 98:26,36 99:30
 110:41 132:9 141:4
 153:29
limiting 108:36 122:2
 126:48 132:34
limits 10:44 64:35
 66:45 107:17 112:46
 139:40 148:6 153:34
 160:22 164:5
Lindgren-Pitman 6:40
Lindsay 14:24 20:35
line 24:20 25:43 29:11
 64:32 70:9 72:3 99:25
 100:8 108:2,16,29
 109:20,46,47,48
 110:1,20,30 119:22
 125:21 141:41 159:48
lined 100:20
lines 33:1,35 35:14
 37:21
Lingo 2:24 7:27,27
LINHARD 2:25
link 14:43 66:11
linkage 108:2,17,19,42
linked 142:46 143:7
links 51:13
Lisa 2:14 7:23 144:13
 148:38,47 157:27
list 12:33 35:17 50:10
 61:43 75:20 90:7
 92:21 103:22 112:23
 118:3 121:7 128:25
 141:13 144:42 160:35
 162:12
listed 18:43 59:4 74:19
 115:48
listen 77:32 88:34
 127:19
listening 122:45
listens 104:1
listing 12:46,48 118:8
 123:45
listings 12:24 18:35
lists 13:19

ListServ 75:19
ListServes 75:37
litany 160:44
literally 49:14 147:30
litigation 36:42,42
 41:15
little 10:33 12:19 14:1
 19:16 21:40 22:41,43
 26:13 27:39 28:11,30
 45:3 47:32 48:23 61:8
 64:8 66:23 73:13
 75:27 78:44 79:4,35
 80:45 81:15 82:10
 87:19,21,44 88:8
 98:17 102:24,40
 104:9,10 113:27
 114:20 116:17 120:10
 120:14 121:16 123:17
 129:37,42 132:46
 133:35 134:9,40
 136:15 140:11 144:12
 146:46 148:9,10
 150:39 152:48 153:48
 154:26,38 157:44
 159:21 161:4,4,35
 162:4 164:46,46
live 57:28 59:27 73:27
 84:43 162:45
lives 96:47
lnlongline 21:3
load 161:25
loads 54:36,39
lobster 103:24
local 25:18 53:17 97:42
 165:31
located 70:35
locates 70:21
location 30:38 63:11
 70:16
locations 106:40
log 55:44 66:12,12
logbook 39:19 118:46
 119:1 122:23
logbooks 17:31 129:15
 160:21
logged 71:33,37
logic 138:13
logistical 69:4
logistics 39:46
long 10:19 18:48 27:28
 27:31,35 42:2 47:7
 50:10 62:16 76:47
 81:19 99:22 100:8
 113:1 130:37 140:5
 153:22,30 154:12
 156:13,30 160:41,43
 161:32 164:44
long-lived 99:40

long-term 37:6
long-winded 96:24
 98:11
longer 40:17 46:42
 52:37 65:27 102:40
 140:16 147:29
longest 145:1
longline 4:23 8:32
 12:22 21:14 24:4,31
 24:44 25:10,36 31:34
 32:21,36 33:8,17,28
 34:30,40,48 36:14
 40:9,43 43:42 44:28
 46:11,13 47:15,18
 54:10 56:24 57:29
 63:9,19,37,47 65:20
 65:34 68:17 70:32,46
 71:13,31,47 72:12,25
 72:32,35,43 73:10,11
 73:34,40 75:42 79:9
 80:45 83:18,26 84:9
 98:32 102:10 113:2
 117:32 118:17,20,48
 120:10,34 122:4,16
 122:35,43 127:1,7
 130:47 146:38 160:19
Longliner 7:44
longliners 19:42 29:32
 30:4,21
longlines 24:6
longlining 29:41
longwinded 85:24
look 6:8 14:16 16:5
 18:16 32:19 34:29,33
 35:24 39:22 41:39
 42:40 45:22,40 49:3
 56:10,24 57:33 60:3
 60:10 66:24 67:13
 70:2 72:16 77:45 81:9
 84:28 87:48 90:17,39
 96:10 97:8 100:1
 101:17 103:15,22,23
 108:45 109:2 119:17
 119:36,45 120:16
 123:3 124:17,40
 129:26 130:29 132:27
 137:20 138:28 144:43
 147:34,35 150:33,43
 151:44 153:39 155:4
 161:11,14,44
looked 40:44 71:19
 73:37 82:9 103:32,33
 113:11 118:13,18,24
 118:28,31,40,47
 119:24 120:41 132:23
 132:26,30 146:39
 151:8 161:9
looking 13:14,31 14:15

14:22 16:11,24 18:19
 18:25 29:19 30:3
 32:42 33:31 38:35
 40:45 45:4 57:1,35,36
 61:18 66:28 70:1
 71:16,27 72:8,11,31
 72:38 73:3,11,36
 75:46 78:1 81:11
 82:24 83:9 92:13
 93:15 95:46 101:28
 101:39 104:14 105:20
 105:22 120:11 126:15
 129:24 135:20,39,40
 135:40,43 137:43
 138:25 139:7 140:29
 144:3 146:15 149:17
 150:10
looks 28:20 32:26 67:8
 70:40 80:47 87:9
 100:48 103:31 113:14
 113:48 122:47 133:44
 133:47 134:2,44
 135:9 136:29 137:13
 137:27 138:27 150:17
 153:9
loop 20:9 47:40 50:46
loopholes 157:3
loose 94:7 160:9
lose 46:8 84:4 137:18
 161:28,29
losing 151:46
loss 22:5
losses 28:45
lost 88:20 94:3,4 96:21
 157:38 160:40 162:42
lot 6:24,24 8:29,34
 11:12 13:26,27 15:41
 17:16,17 19:25 21:42
 25:26,27 26:6 29:11
 29:27 32:30 33:42
 34:4,11 35:7 36:10,10
 36:26,45 37:2,7 43:11
 46:4 47:22 48:19
 53:37 59:27 62:21
 68:27 74:32 75:1,2,8
 77:34 78:18,20,33
 79:7,26,33,46 82:16
 82:18 85:29 89:31,32
 89:32 91:12 92:1,20
 92:38 93:11,47 94:41
 94:43 95:33,38 96:11
 97:17,41 98:27 99:12
 99:20,38,42,43,43,44
 100:9 101:32 102:9
 104:26,43,48 108:46
 109:40 113:2 115:37
 116:41 117:14,35,36
 117:37 125:10 132:38

132:39 133:13,22
 135:20 136:8,19
 138:24,35 139:35
 140:16,21,22 141:15
 141:18,22 142:38
 143:33 144:37 146:23
 147:12 148:20,24
 149:36 150:4 155:4
 161:16,19,30 163:28
 163:28,31 164:15
 165:30
lots 15:34 37:14 92:17
 138:20
loud 152:32 161:36
louder 9:6
Louisiana 7:34 13:13
 21:8,36 22:10 23:20
 24:24 39:10
love 20:36 32:33 50:44
 58:17 97:46
low 50:12,14 74:23
 75:40 129:29
lower 75:1,2 81:1
 119:31 142:48
lowest 72:47
LT 3:30 61:30
Luckily 141:5
lucky 87:27 125:24
 137:19 161:43
lunch 14:28 48:24
 80:23,31 85:30 86:6,9
 86:11 87:20
lure 130:16
Lynnhaven 52:4

M

machine 79:20,24
mackerel 76:46 114:33
 114:40 119:3 145:15
 163:16 164:14,16,30
 164:40
magnitude 129:25
 135:25 158:27
Magnolia 1:23
Magnuson 18:38 54:27
 65:43,45
mahi 46:28,33,34 74:25
 77:39 80:40 129:45
 162:13,21,23
mail 69:6
mailed 85:9
mailing 69:5,8,9
main 25:37 51:4,10,16
 62:17 96:14
Maine 7:14 8:2 76:35,36
maintain 25:18 54:22
 76:44 108:17 145:6
major 16:31 62:45

- 110:4,20
majority 82:3 141:24,24
makeup 136:7
making 11:1 15:19 51:1
 69:40 82:34 83:34
 92:5 128:4 130:40
 138:31 147:37 156:29
 159:7
mako 124:7,44 140:38
 162:43
makos 152:14,30
 162:45,46
man 161:27 162:46
manage 81:42 89:38
 90:19 157:28,30
 162:23 163:34,43,46
managed 16:8 24:7
 101:5 102:39 113:42
 121:44
management 4:35 5:9
 6:43 7:16 8:33,34,46
 11:9 15:19 16:11,13
 18:26,36,38,41 20:45
 24:16 31:28 62:32
 77:35 81:36 87:39
 89:8,28,36 92:25
 96:41 97:2 100:19
 106:21,43 108:1,15
 109:8,24 110:46
 111:3 117:25,25,44
 117:46 123:4 128:24
 128:38 131:39,42,47
 132:2,18 134:11,29
 139:4,7 140:15
 142:44 143:31 150:4
 151:16 164:4
managers 147:5 154:40
managing 49:16
mandate 123:14
mandating 68:28
mandatory 30:1 31:23
mankind 84:44
manner 33:10 64:41
map 24:22 43:8 120:37
mapper 42:32
march 9:9,14 12:42
 64:38 77:5,8 90:48
 92:43 132:15 133:37
Marcos 2:16 7:15 156:1
 157:48 158:48
margins 77:30
Margo 3:15 8:41,45
 17:45 18:24 20:25
 48:39,43 84:31 88:46
 89:19 93:30 102:21
 102:22 103:40 115:36
 116:26 156:17 160:42
Margo's 104:6
- marina** 53:18
marine 1:6 6:46 7:1,9
 7:38 8:2 29:21 30:18
 144:17 162:28,31,35
Maritime 9:39
mark 2:24,33,38 6:34
 6:35 7:27,43 19:30
 42:18 125:33 130:12
 148:38 150:27 151:30
 151:32 153:8
market 74:23 81:26
 82:38 96:21,22
marketing 96:7,27
marketplace 30:7,8
 31:47 46:24 83:13,47
markets 35:45 106:25
marking 72:9
marlin 11:33 18:11
 53:25,47 155:19,22
marlin-like 17:39
Mars 103:16
marsh 30:43
Marshall 2:26 7:8,8
MARTIN 2:34
Marty 7:47 29:10 38:10
 39:28 47:20
Maryland 1:25 6:36,37
 97:33,40,40 152:12
mass 123:9
Massachusetts 6:46
 52:12,13
material 104:11,15,22
 104:23
matter 9:47 51:31,35
 78:42 102:16 127:39
 153:21,42 162:44
mature 121:40
maturity 121:39
max 107:29 110:39
maximized 57:40
maximum 11:5
McHALE 3:25 75:34
 77:28 79:21 80:15
 85:33
MCLAUGHLIN 3:20
meal 161:6
mean 18:38,39 19:34
 28:27,47,48 29:34
 30:24 32:25 33:11
 34:4 39:1,35,36 40:18
 46:45 68:45 75:4,37
 81:27 85:9 87:46
 99:19,28 102:4
 124:47,48 125:28
 127:28,48 129:3
 130:24,27,40,43
 136:23 138:4 139:33
 145:9 150:14 152:24
- 152:31 153:25 160:46
 161:15 162:47 163:4
meander 131:18
meaning 57:9,11
meaningful 46:14 95:23
 99:17
means 12:40 30:35,37
 45:11 48:9 50:14 57:6
 85:41 98:19 100:13
 139:33,42 148:7
measure 10:34 37:33
 37:34 44:30,32 47:2
 63:1,1 67:45 75:37
 102:12 110:16 129:2
measured 153:29
measurements 64:18
measures 9:11 16:30
 16:35 37:32,39 62:38
 62:39,40,46 63:24
 75:42 77:35 78:23
 89:37 91:27 106:22
 106:33,43 107:7,10
 107:13,18,26,28
 108:28 110:26,46
 112:2 117:25,26,37
 117:44 131:34,48
 132:4,23,40,47
 133:18 134:37 135:34
 164:20
measuring 45:5 66:42
mechanics 19:29
mechanism 83:14
 100:45 151:25
mechanisms 144:39
medium 50:12 64:37,43
 64:47 65:1
meet 47:25 57:48 87:24
 87:36 134:39 165:45
meeting 1:14 6:4,16
 9:21 13:34 16:26,27
 17:3 49:8 53:40 62:18
 78:40 86:9 88:46
 92:48 93:8 104:4,7,13
 104:13,17,21,29
 115:14 120:45 162:27
meetings 13:27,30
 21:35,38 58:28 62:19
 75:4 87:17,23,27
 88:43 147:36 151:24
 155:42 156:14
meets 133:48
mega 148:33
Mel 3:24 21:6 29:14,15
 29:17 38:1 40:24
member 6:35,37,39,42
 6:48 7:3,5,8,11,13,15
 7:17,20,22,23,25,27
 7:29,31,33,35,37,39
- 7:41,43,45,47 8:1,3,5
 8:7,9,11,13,15,18
 17:20,35 18:6,21
 19:13,31,41 20:8,21
 20:37 27:15 28:9,46
 29:6,12,17,46 32:18
 33:5,46 35:21 36:32
 37:2 38:11,40 39:1,29
 40:44 41:34 42:8,36
 42:38 43:37,48 44:17
 45:46 47:46 55:10
 58:44 59:12 60:16,25
 60:39 74:45 75:31
 76:18,21 77:47 78:14
 79:22 80:33 87:39
 93:42 95:17 98:15
 100:32,35 101:25
 102:18 103:46 104:37
 105:45 106:9 112:29
 113:40 114:2,7,21,31
 115:30 116:8,19
 123:1,32 124:41
 125:16,35 126:23
 127:5 128:14,46
 129:41 134:46 136:5
 136:30,37 137:7,26
 137:28,41,48 143:22
 143:39 144:14 148:47
 149:41 150:11,19,46
 151:22,32 153:13
 155:6,17,22,28,32
 156:4,5,7,12 157:20
 157:48 158:25 159:4
 159:13 162:26
members 2:2 80:18
memory 62:44
menhaden 155:16
mention 13:12 47:47
 62:14 92:45 125:37
 138:2 155:6 165:21
mentioned 12:20 26:29
 39:9 47:7 48:39,43
 62:5 66:19 68:42
 75:35 79:13 81:31
 101:30,45 110:5
 130:2 136:8 141:5
 143:46 161:41
mentioning 13:29
merge 12:11 19:17
merging 19:14
merit 13:10
Merrick 76:40
mesh 115:1,3
mess 32:37
message 18:32 83:7
 91:26 94:36
messages 70:47 90:21
met 1:23 9:8 10:13

54:42 87:35 133:5
160:43
meters 10:3,9,27
method 134:31
methodologies 129:11
129:20
methods 32:3 36:37
105:21 140:20 149:18
metric 45:6 63:9,36,43
63:47 64:1,7,12,14
65:5,13,16,19,20
67:16,18,19 71:31
72:7,22 107:25,30
108:5,24 109:15,31
112:14,15,19 142:15
142:19
metrics 47:47 67:10
Mexican 43:12
Mexicans 56:46 57:14
61:16
Mexico 7:44 11:6,14
12:1 24:5,23,31,42,45
25:3,24,34 26:24
29:25,41 30:5,17
31:11 32:14,22 33:9
34:31,42,48 35:24,46
36:3 39:46 40:10,14
40:18,19,46,48 41:4
41:16 43:13 47:40
54:37 55:17 56:44
57:15 60:29 61:16
63:21 68:22 73:44
74:6,8 97:44 109:18
110:4,33 111:10,12
111:23 133:40 136:40
137:3 139:18,31
142:40,45 143:31,40
143:46 145:40,42
Miami 19:23
mic 85:27
mic's 125:37
Michael 2:21,35 8:9
29:10 38:10,39
microphone 59:11
mid 8:13 56:16
mid-Atlantic 12:3 18:11
56:45 120:39 135:20
148:20
middle 70:41
migration 77:1
migratory 1:10 29:21
30:19 34:16 40:48
Mike 6:42 8:21 17:34
18:20 27:14 29:10
35:20 37:1 38:13
153:9 154:25
Mike's 41:38 155:33
mildly 35:46

miles 40:2,3 53:48
133:10 145:17
milestone 54:33 89:12
milestones 91:3,13,20
Miller 2:27,28 7:20,20
8:11,11 38:11 128:14
million 23:18,21,24
26:14 30:16 32:28,29
33:37 37:22,26,41
41:44 48:4 54:38
103:24,24,26 142:28
148:4,8
mind 20:23 35:8 45:48
47:35 48:26 67:42
80:13 103:37 124:18
141:21,46 142:30
143:12,36 144:23
146:48 153:23 158:4
mindful 6:26,29
mine 45:46
minimal 39:2 44:2
164:2
minimize 32:11 102:11
117:32 122:7,16
minimizing 122:10
minimum 68:3,18,25
70:10 117:28 121:37
152:1,7
minor 64:19 113:29
minus 76:45
minute 48:37 84:2
165:45
minutes 61:23,29 89:46
98:14 146:21
misguided 47:4
misled 95:27
missed 149:36 150:7
missing 85:8 144:33
mission 30:31 31:2
32:26 50:2,31 51:48
55:33,42,45,48 92:27
missions 55:43,46
Mississippi 21:36 22:9
23:20
mistaken 43:1
mistakes 96:32
mistreated 67:36
misunderstand 126:46
mitigation 47:6 84:10
84:12
mix 11:47 87:41 99:41
144:12
mixed 12:2 114:41
132:39 136:42
MMPA 51:7
MOA 57:48
mode 100:29
model 58:23 117:12

140:3 151:18
modelers 145:48
models 140:24 146:2
147:41
modification 63:10,30
modifications 26:10
64:20
modified 64:46 98:44
modify 64:35 92:9
Mold 130:15
moment 18:2 27:35
48:33 62:23
momentarily 94:21
100:5
Monder 150:27,36
monetary 22:5 28:36,44
money 23:15 28:27
32:30,34 37:7,16
38:17 41:40,48 42:18
60:36 82:19 162:47
monitored 44:1
monitoring 13:41 16:34
24:39 26:1,4,7 37:47
38:4,6 43:45 44:8,9
44:48 63:23 68:35
69:44 73:3 75:43 81:4
89:10 99:27 113:26
133:33 160:32
monopolizing 85:26
Montauk 51:40 159:24
month 12:5 14:41 15:17
15:17 16:15,41 29:35
52:44 78:4 84:19
142:3
month's 161:24
monthly 13:42
months 25:12 27:4
42:19 80:47 123:23
139:47
moon 148:15,23
Moore 3:26 48:27 55:15
55:16 58:43 60:2,21
60:29 61:14
moratorium 47:17
more-so 128:48
morning 21:6,9 48:38
51:25 55:15 61:26
156:17
mortality 24:30 39:3
117:16,26,32 118:14
118:19,26,36,40,47
119:3,15,17,21,24,31
122:7 123:9,18
124:19 126:16 128:18
128:29 129:39 130:39
130:44,48 134:15,20
134:21,22 135:25,27
135:32,45 136:43,48

137:11 145:28 159:28
Mote 7:9
motion 65:38,39,41
move 8:20 13:11 20:11
21:2 22:24 36:19
48:21 55:7 58:32 88:5
95:7 97:28 100:24
105:35,41,43 107:6
115:26 116:32,40,43
124:20 128:28 144:42
147:35 159:1,15
163:8
moved 65:14 76:29
117:45
movement 152:44
156:29
moving 15:19 44:34
54:44 81:31 107:46
109:4 119:26 124:9
128:43 134:33 136:12
136:17 143:33
MRFSS 119:46 123:37
MRFSS/MRIP 119:10
119:36 123:7 146:13
MRIP 119:46 129:3,24
129:35
MRIT 123:37
MSA 44:43
MSY 142:29
multi-species 157:29
multi-year 49:10
multiple 9:26 13:22
16:37 69:14 72:15
74:29 94:11 107:16
107:17 160:4
multiplier 58:3
multiply 154:44
Murrell's 53:45
mute 62:8,11 105:37,39

N

N 87:1,1,1
name 6:12,15 29:14
51:23,26 59:24 62:29
106:12 138:17 159:19
159:23 163:14
Narragansett 123:24
narrow 121:15
narrower 28:7,8
narrowly 45:11 46:9
69:47 70:1
nation 30:34 158:13
nation's 29:21 30:18
national 1:2,6 14:29,31
15:1,11,16 16:19,20
17:25 49:31 55:39
67:37 89:48 90:10,25
90:25,26,44 91:41,43

91:48 92:4,11,11,39
102:44 141:8 162:28
162:31,35
nationally 15:41
nationwide 160:13
natural 6:38 7:36,42
21:41,46 22:1,4,16,17
22:29,38 23:16 25:38
28:33,42,44 36:40
41:9,11 53:7 113:26
naturally 112:36,43
132:9
nature 97:24 153:33
nautical 133:10
near-shore 33:20
nearly 18:43 54:37
neat 165:29
necessarily 15:12
16:36 19:4 41:41
47:43 89:31 98:27
104:24 136:16,25
137:32,37 147:4
153:18
necessary 13:17
neck 8:21
need 14:47 17:15 26:21
27:5,37 28:23 29:40
30:14 49:20 75:18,18
84:3 85:17 88:3 89:23
89:35 90:13,14,19,33
91:39 94:14,23,33
96:6,8,21,21 98:10,44
99:2 114:13 116:6
122:28 124:20 130:28
131:23 132:14 135:18
137:44,45 139:35
140:29 143:26,40,48
148:32 149:32 151:43
154:21 157:18,28
162:5 163:37 164:48
165:19
needed 8:38 10:16
12:25 85:36 111:8
needs 50:38 58:35,38
80:5 82:39 85:23
90:29 92:24,25
135:32 140:46 144:18
147:11 163:42
negate 101:16
negative 12:39 13:5,40
neglected 62:14
negotiate 23:3 24:43
negotiated 23:6 48:13
negotiation 26:36
36:43
negotiations 26:48
88:15
neighbors 46:22

NEPA 65:44
NeRDA 21:47
nervous 157:37
net 48:4 67:3 74:12
133:26
nets 113:1
never 19:43 20:22
46:38 82:41 94:12
125:29 140:7 147:14
148:5 152:9 158:6
new 6:43 7:31 12:2,23
15:35 16:43,46 27:37
33:25 34:14 38:29
48:34,39 51:34,40
56:3 60:40 63:16,24
63:36 64:17 65:10,15
65:36,47 66:20,22,32
69:13 73:4 75:13,19
76:23 77:9 78:43,44
87:24,38 88:11 89:8
89:15 93:3,37 95:25
97:42,44 103:13,17
103:18,20,28,30,32
103:34 104:26,29
108:12,29 109:29
110:46 112:34,38
116:46 117:9,20
120:27 139:11 144:47
148:18 152:13 154:4
154:9,18 159:24,31
news 62:14,27 94:15
103:35
NFMS 3:19
NGO 29:39 98:27
nice 29:12 76:21 87:16
93:43 101:25 155:44
165:33
nicely 155:44
night 53:39 58:37
165:30
nil 155:23,24
nimble 100:26
nine 71:37 142:21
ninety-seven 158:21
NMFS 1:6 3:15,16,18,31
3:33,34,35,36,37,38
3:39,40,41,42,43,44
4:42 53:19 65:25
66:39 69:6 87:8 89:22
94:39 96:16 103:2
111:38 139:38 141:5
NMSF 69:15
NOAA 3:22,24,27 4:25
4:30 22:13 23:23 24:1
24:18 29:18,20 34:9
34:22 48:47 49:33
51:26 52:22,48 53:43
58:7 59:34 76:37,39

76:40 87:24,28 88:28
90:1,9 93:5,6,6 95:2
96:16 97:47
NOAA's 98:3
nobody's 114:16
125:11 152:29
NOI 106:37
noise 8:47
non 112:41 126:5
non-blacknose 11:17
11:18 108:42 109:29
109:41 110:23,27,33
110:35 111:12 112:9
114:35,42 115:8
non-compliance 79:8
non-offset 159:36,41
non-sandbar 108:9
non-stainless 159:36
159:40
normal 120:27
north 7:37,45 39:15
55:26 56:4 65:36
81:48 108:3,21,31,42
110:22,27 112:40
125:8 130:6 135:21
160:20
northeast 3:20,25,31
15:25,28 51:30,45
56:2,45 82:1 120:34
147:13
Northwest 11:5 144:30
northwestern 118:3
not-too-distant 55:3
notably 62:36
note 56:8 61:30 74:4
78:40 92:16 114:24
120:44
noted 26:45 66:36
73:19 75:27 165:23
notes 21:25 116:3,28
notice 9:24,36 78:37,38
93:26 106:31
noticed 20:42 62:21
145:15
noting 73:17,21 74:9
Nova 8:16 54:21
November 16:26 133:2
NRDA 21:46 22:3,8,19
22:43 23:12,48 34:9
36:37 41:19
nuances 89:34
number 4:19 9:38,40,41
9:42 10:4,8,26,48
11:13,42 13:31 15:18
16:2 21:4 24:9 28:13
34:36 36:30 39:38
40:25,29,36,40 41:22
42:21,24 53:36 58:39

62:41 65:3 66:30,32
68:48 69:16 71:40
73:12,29,30,32,38,46
74:3,26 75:1 78:19,24
78:26 79:15,16,18,25
80:46,48 81:32 83:17
83:19,23 88:27 91:3
91:22 95:9,39 99:47
118:30 119:28 120:12
120:13,20,23 122:20
124:1,9,31 126:48
129:7 135:29 137:11
138:32 144:27 145:8
155:2 163:33,41
numbers 10:6,16,20
11:34 58:34 64:32
71:10 73:40,41 79:15
80:48 81:11,18,23,38
82:9,24,33 116:43
118:35 123:10,10,27
125:44 126:42 127:10
127:23,33,44 128:6
129:2,5,23,29,34,38
135:9,14 137:24,32
137:36,39 142:47
151:36
nurse 145:34
nursery 144:34

O

O 87:1,1,1
o'clock 79:19,25
objective 14:11 21:45
25:17 37:36,36 39:37
50:30 69:44
objectives 14:16 15:18
50:6 90:13,47 91:14
91:16
obligations 92:43
observation 76:26,34
147:12
observations 39:4
96:30 128:47
observed 118:38,42
119:4 123:11
observer 26:9 40:41
67:11 118:39,43
160:26,28
observers 44:4 98:40
160:21
observing 127:33 148:2
obtain 54:3 70:44 75:21
121:13 126:17
obtained 53:39
obvious 132:18 161:21
obviously 48:19 50:44
75:1,2 80:30 85:25,35
88:42 129:35

- occasion** 9:22 130:3
occasionally 124:44
occur 22:22 23:12 35:4
 59:32 63:42 68:48
 115:1,7
occurred 23:17,40
 30:33 41:16 45:18
 72:2,34 74:1 146:16
occurring 22:22,29
 24:9 31:30 57:5 73:26
 117:8
occurs 133:9
ocean 6:35 8:12 33:24
 97:44 125:22 164:18
Oceana 120:47
oceanic 1:2 121:33
Oceanographic 6:45
oceans 76:37
October 16:28 60:4
 148:24 164:30
odds 125:25
Oden 2:29 7:45,45
 129:41 137:48
ODIN 114:7
off-mic 86:4 94:21
 100:6 115:19
Off-microphone 8:26
off-stop 97:30
offenses 48:47
offer 52:23 54:14
offering 77:17
office 3:22,27 4:20,25
 10:25 12:36 14:2,10
 14:18,25 15:36 29:20
 48:32,34,34,35,40,44
 49:8 55:3,16 56:17,21
 56:32 67:38 70:39
 88:5,6,7 95:30 128:38
office-level 14:8
officer 52:23,48 53:6,7
 53:11,24,43 54:2
 58:13
officers 50:1 52:1 53:35
 54:8 57:26 60:7
offices 56:28,38
offline 35:15 36:17 39:6
 41:32 44:14 80:9
offloaded 52:45
offset 48:11
offshore 11:1 32:47
 33:24,31,32 53:48
 54:19 93:3 98:38
oh 43:33 104:6 115:28
 116:16 160:36 161:17
 161:27 163:2,13
oil 22:3 29:27,31,34,37
 30:33 33:9 36:36
 40:23 44:9 52:33,37
 52:39 93:21
okay 17:20 18:4,21
 20:37,47 27:13 42:8
 60:25 62:43 72:39
 78:12 79:22 84:10,19
 84:22,42 93:30,38,40
 93:41 96:36 101:2
 103:45 106:9,10
 114:21 115:45 125:37
 125:38 127:5 134:6
 137:43 143:21,39
 148:44 152:2,6,11,16
 152:43,48 153:7,13
 156:12 157:26 163:13
 165:14
old 127:47
OLE 49:1,27,28,35
 51:20,48 52:1,11,38
 52:42 54:5 58:14,41
on-scene 57:10
on-the-record 165:26
onboard 57:12 59:30
 79:11 121:24 132:43
 133:6,15 136:20
once 23:6 33:37 35:40
 95:19 100:27 111:37
 114:36 118:6 154:34
one-stop 19:26
ones 105:46 116:4
 121:10 145:39 154:42
ongoing 12:31 13:13
 40:23 41:18 51:35
 54:12 57:41 69:23
 95:37
online 12:10,12 13:44
 13:46 19:26 63:15
 66:9,21,28,34 70:33
 71:34 79:3,14 121:18
oops 162:46
open 10:24 17:3 18:11
 27:9 33:24,34 38:7
 60:12 61:17 93:18
 94:32 101:11,11
 105:31 111:2,34,48
 112:22,25 122:45
 138:41 148:14 150:6
 152:37,40,45
opening 111:22,29
operate 34:41 98:32
 157:34
operating 22:44 81:33
operation 52:9 54:32
 54:35 63:25 64:24
 69:38 81:35 87:33
 161:4
operations 54:34 95:37
 160:42
operator 7:16,30 52:24
 53:28 54:7,10 61:9
 69:47
operators 66:12 69:16
 122:20
opinion 12:22,27,28
opinions 12:26,31
opportunities 33:15
 77:12 99:26 111:33
 151:46
opportunity 25:40
 38:14 45:20 48:41
 49:2 51:22 60:32,41
 67:28 77:10,16 87:24
 87:46 90:3,27 95:20
 97:34 157:37
opposed 41:41 79:45
 80:3
opposing 108:39
opposition 132:40
optics 32:19 34:29
 35:27 37:3,4
optimistic 84:16 99:13
 154:7
optimizing 57:38
option 107:6 140:33
 149:15
options 28:27 84:32
 94:48 95:15 106:47
 149:11,22
order 33:23 45:32 53:22
 54:34 61:48 83:28
 129:25 131:16 149:34
 150:21,42
Oregon 124:46
organization 9:40
 30:23 33:47 37:24
 47:37 56:28 159:19
organizational 14:14
organizations 55:39
original 83:21 144:36
 149:25 158:22
originally 64:33 146:16
originated 72:36
ORTIZ 3:37
Othel 62:15
ought 126:14 147:34
 163:42
outcome 113:16
outdated 128:5
outfitted 68:43
outflow 101:33
outline 43:9 106:19
 132:19
outlined 41:26
outlining 141:8
outreach 25:22 52:6
 53:21,37 58:11 66:23
 66:26 74:48 76:14
 121:17 122:25,36
outside 22:43 23:12
 32:27 33:3 35:36
 38:28 40:47 56:29
 151:15
over-fish 148:6
over-harvest 111:13,15
 112:5,10,18
over-wintering 148:27
overall 8:41 10:9 41:4
 47:3 63:40 64:13,28
 72:30,38 73:35,38,41
 74:9 80:38 91:14 93:6
 96:40 97:9,11 101:7
 107:19,35 108:38
 110:15,36,36 126:16
 134:14 139:23,28,33
 139:42 151:9
overarching 49:33
overboard 138:16
overdue 141:17,19
overfished 24:8 31:30
 99:48 117:8 133:43
 138:48 143:5 146:27
 153:27 164:23
overfishing 24:8 31:30
 100:1 117:8 120:48
 121:5 123:6 133:44
 134:2 143:5 146:27
 148:6
overlap 129:30
overlook 126:24
overly 108:38 133:16
overseeing 48:46
overseen 9:27
oversight 90:33
overturn 20:14
overview 4:12,37 9:8
 20:25 26:34 55:28
 98:43 99:15 136:15
owe 103:6
owner 52:24 53:28
owner/operator 72:15
owners 10:21 61:1
 67:35 72:18 122:19
ownership 9:44 81:35

P

P-R-O-C-E-E-D-I-N-G-S
 6:1

p.m 20:45 87:2 165:47

pace 105:30

Pacific 20:2 105:19

package 21:30,33

Padre 7:18 60:34

page 17:21 19:13,31

70:39,45,45 71:1,3

119:46

paid 54:14,23 163:2,3
pain 97:5 99:12
paint 78:6 102:36
Panama 94:10,25
 144:21
Panamanian 56:23 58:6
panel 1:10,23 4:7,27,33
 4:40 5:17 6:4,19 14:7
 19:4 49:3,8 50:9 51:8
 107:4 114:9,17
 116:48 121:31 122:33
 156:5 165:29
paper 38:26 62:9
 106:38
papers 38:14 40:30
paperwork 84:41
 162:14,44
Parks 7:27 119:11
parse 50:32
parsed 49:31
part 15:2,44,46 16:31
 21:29,43 22:45 23:46
 25:39,40 26:3 27:29
 32:19 33:47 36:41
 38:2 40:38 41:2 46:32
 64:28 69:18 74:12
 76:28 91:16,30 92:33
 124:16 136:44 141:46
 148:33 149:32 156:45
partial 65:38,39
partially 34:14 43:11
 55:36
participants 35:4 61:6
 71:30 72:25 74:27
 157:14
participate 24:47 26:21
 32:8 42:17 93:32,47
 159:38
participated 13:33
participating 15:24
 25:4,10 26:17,22,27
 32:14 34:37 35:2
 82:37
participation 24:46
 26:16 34:36 42:7,22
 47:21 74:25 79:26
 84:7 99:27 147:39
 152:24 153:21
particular 24:1,17
 29:23 32:5,46 33:43
 36:21 47:40 58:5 63:7
 66:47 72:14,43 78:45
 92:15 93:8,9 102:48
 105:28 124:14 147:24
 153:32
particularly 13:19
 14:19 19:7 32:5 39:5
 39:19 41:37 59:16

96:43 98:36 102:10
 148:20 153:47
parties 23:37,38 69:14
parting 43:18
partitioned 136:38
partly 89:27 99:21
partner 14:7 75:46
partnered 52:11
partners 14:6 51:47
 52:2 53:40 57:45
 96:42 97:41 99:43
 103:4
partnership 97:37
partnerships 14:20
 98:9
parts 91:32
party 152:2
pass 130:11,12
passed 19:38 62:17
 148:1
passionate 85:26
Pat 7:31 19:30 20:18
 27:11,13 29:8 62:7
 78:11 115:28 116:31
 122:48 123:31 136:4
 137:6 159:44
pathway 41:12
patience 138:33
patient 40:28 115:31
PATRICK 2:5
patrol 53:32 57:47
patrolled 53:35
patrols 49:43 52:2
 53:45 58:21,23
patterns 11:36 110:8
patting 81:20
paucity 147:22
pause 20:19 115:23
 148:42
pay 41:46 50:16 51:41
 61:2 82:20 83:27
paying 35:47 102:19
 153:1
PEARSON 3:33
peer 18:45 19:9 23:42
 37:23,40,44 40:26,30
 140:4 153:20
pelagic 4:23 8:32 12:21
 21:2,14 23:44 24:3,5
 24:27,31,44 25:9,36
 26:8 29:32 30:4,21,40
 31:34 32:21,36,47
 33:17,24,27 34:30,40
 34:48 36:13 37:6,37
 40:9,32,43,47 43:42
 47:15,39 56:24 63:19
 65:34 70:46 71:13
 73:40 81:29 82:39

83:45 98:32,37
 117:31 118:20,48
 120:10 122:4,16,35
 122:43 127:1,15
 138:43 139:2,9,13
 146:38
Pelagics 111:25
penalized 160:29
penalty 55:1
pending 55:2 65:46
pendulum 160:45
 161:34
penny 82:14
people 6:11,19,31 11:1
 35:11,13,33 36:25,27
 37:26 43:1,41 44:18
 44:38 47:44 56:33,40
 57:12,30 60:47 61:1
 61:23 78:20,33 79:33
 83:2,40 91:34 93:23
 93:32 94:41 95:7 99:2
 99:25,38 100:14,21
 101:6 102:21,24
 103:6 118:35,36
 120:3 121:14 122:25
 122:28 123:41 125:3
 125:11 127:23 129:17
 129:32 135:7,20
 137:33 141:44 142:23
 143:26 145:15 146:41
 149:31 152:34 156:27
 156:34,43 157:33,38
 158:24 159:16,31
 160:16,48 161:3,5,16
 161:37 165:22,28,34
 165:42
perceive 31:6
percent 10:35,35 17:38
 17:44 18:12,14,14,18
 32:29 38:16 55:35,48
 56:1 66:31,33,35,46
 67:20 70:10 71:6,42
 72:3,31,33,37,40
 73:19,21 75:2,13
 76:36 80:47 81:32,38
 85:8 108:34 111:36
 112:48 113:28 117:16
 118:38,43 119:23,29
 119:30,44,45 120:16
 120:22 121:39 128:18
 128:29 132:42 133:6
 133:11,14,48 134:4
 135:6,7,12 136:1,2,7
 136:20 138:1 145:2
 160:8 162:3 164:10
 164:11
percentage 17:43 63:38
 73:18 75:26 109:34

113:26
percentages 63:33
 109:19 110:7 135:4
perfect 96:31,31
perfectly 25:30
performance 37:32
 38:5 44:45 45:2,7
 78:31
performing 149:45
period 13:2 16:45 25:3
 25:12 27:7 31:14,37
 34:37 44:27 47:26
 64:38,40,44 65:2,7,8
 65:26 71:19 73:39,43
 81:6,14 96:22 98:39
 112:22 119:38 125:23
 133:1 145:1,42
 154:12 162:31,33,34
periods 25:19 113:29
perky 35:45
permanent 9:42 19:44
 93:2 165:4
permanently 9:43
permit 4:17 10:25,41,42
 13:47 51:35,43 52:34
 53:26,31 54:1,4 66:40
 67:30 72:1 82:36
 106:34,43 107:1,2,15
 107:15,19,32 110:41
 121:12 133:8 141:44
 142:2,16,17,18,22
 156:28,34 157:10,22
permits 9:30,31,32
 10:24 26:24 47:29
 53:21,38 56:15,18
 67:23 85:7 107:16
 132:28 160:21
permitted 66:3 77:20
permitting 45:35 52:41
permutations 49:45
perpetuate 102:1
person 29:39 46:2
 62:17 69:33 70:27
 74:18 93:32 94:24
 116:16 150:25 157:6
 159:37
personal 83:2
personally 101:31
personnel 50:2 62:22
 69:42
persons 157:9
perspective 84:16 89:2
 102:44 103:1 104:38
 140:15,15 158:26
perspectives 103:39
 165:28
pessimistic 154:8
Pete 3:18 116:32

125:36
Pete's 115:24
Peter 116:37 123:3,33
 124:32
Petersburg 19:24 54:5
petition 12:37 118:3
 120:45 144:32
petitioner 12:41
petitions 12:33 13:7,10
phase 21:15,21,31
 22:44 26:5 33:38
 38:34
phone 58:34,39 69:20
 79:25 105:39 165:11
photo 52:36 53:46
phrase 34:28 103:14
physically 82:6
pick 85:39 161:35
picked 11:26
Pickett 2:30 6:39,39
 44:17
picking 116:20
picture 30:22 46:8 47:3
 47:12 73:36 84:5,8
 85:39 101:27,29
 102:32,36 103:27,27
 109:17
picture's 102:15
pie 134:23,25 135:43,47
 137:43
piece 33:26 50:43 87:30
 92:12,12 146:43
pieces 13:46 14:17 27:5
 143:33
Pierce 163:18
piles 61:42
pinnacles 158:32
pinpoint 128:42
placard 121:24
placards 160:33 161:17
place 27:5 44:36 74:5
 77:35 80:42,43 93:9
 96:8,19 99:33,33
 100:44,45 101:5
 103:36 105:30 121:47
 122:34 123:4 132:4
 132:14 142:11,32,35
 157:15 162:14 164:20
 164:44
placed 52:18
places 12:35 97:25,35
 99:31 103:6
Plaintiffs 65:30
plan 4:21 14:3,8 15:26
 15:42,45 20:28,32
 21:22,39 22:16,34
 23:8 26:5,5,37,40,44
 27:1,3 35:25 36:38,44

38:3,4,7 41:28 42:5
 43:45 44:48 45:1,14
 45:23 47:3 49:40 50:1
 78:43 90:25 91:1,3,41
 91:44 92:4,7,11,11
 100:17 117:11 126:33
 127:28 140:40 141:31
 142:30 146:30
plane 6:6
planning 22:27,33
 49:46 55:26,27 92:33
 128:28 162:32
plans 15:22,27,43
 92:17 102:26 122:35
 128:21,23
play 47:13 85:44 111:45
player 75:48 100:26
players 82:16 103:38
playing 34:2 154:18
plea 60:42
please 12:16 14:47
 17:36 21:25,26,28
 32:16 35:15 58:27,31
 58:41 61:36 62:6,8,11
 80:10 105:37,39
 131:16,18 136:22
 159:18 161:34
pleased 79:30 101:37
plentiful 125:1
plenty 45:19 74:16
 79:37 131:3
PLL 24:20,23,34,42
 25:12 26:32 120:27
 130:2,24,27,33,44
plopping 160:4
plug 69:30 80:42
plus 76:45 145:16
plying 127:10
POC 58:28
pocket 162:48
point 13:6 16:23 30:13
 34:12 36:9,35,38
 41:23 46:42 47:20
 49:28 54:30 66:4
 75:35 76:26 80:14,34
 81:39 83:36 84:3
 85:11 91:9,10 98:6
 103:39 104:12 111:38
 111:42 113:7 125:21
 128:39 130:4,10,24
 130:30,30,43 131:44
 136:9 137:20,48
 145:3 146:5,14
 150:47 153:2 154:26
 157:32,46 160:39
pointed 46:18 76:38
pointing 70:13 81:26
 125:42

points 6:25 15:39 58:9
 102:25 110:19 124:28
 155:41
Police 52:12,13,19
policy 13:23 91:48 92:9
 92:29
polite 83:4
Pollution 36:36 44:10
polybow 130:21
Pompano 6:40
pool 150:36
poor 76:28,30 104:43
 104:45
pop 139:12
popped 29:36
pops 40:1
popular 60:44,45
population 38:20 94:34
 96:14,15 118:4
 126:39
populations 32:25
porbeagle 12:35 140:44
 144:31 148:34 149:25
porbeagles 144:37
port 54:19 79:2
portal 12:12 19:26
 42:29 70:36
portals 22:47
portion 23:47,48
 119:35 122:24 134:25
Portland 7:14
ports 24:22
pose 11:46
position 81:43 158:9
positions 88:19
positive 12:48 18:31
 42:20,24 50:46 94:35
 102:32
possessed 54:24
possessing 19:33
 54:16
possession 19:46
possibilities 149:7
possibility 78:3 93:2
 126:31,47 128:23
 149:29 159:6
possible 35:18 44:16
 45:45 49:12,18 57:20
 61:25 91:34 100:11
 102:37 156:10
possibly 35:15 93:16
 128:41 143:6 161:45
 164:28,29,42
post 52:30 135:26,31
post-release 122:7
 134:21,22 135:24
 136:48 137:11
posted 52:36 75:39

posture 56:35
pot 41:40 42:1,14
potential 18:34 23:43
 106:32,33 107:43
 111:7,33,43 112:21
 117:1 121:7 128:27
 128:33 130:1,42
 151:35 152:23
potentially 12:47 28:3
 38:37 63:5 99:1
 106:35,38,44,48
 108:45,47 111:28
 113:6 126:5 140:31
 143:42 161:24
pound 46:37 72:46 73:2
 114:39 153:29
poundage 82:11
pounds 54:24,25,26
 68:19,22 71:7,41,45
 71:45,48 72:22,42,48
 74:3 82:23 83:18,19
 112:47 135:17 142:15
 148:4,8 164:3,7
power 69:37 131:19
PowerPoint 20:29,43
 20:46
PR 104:41
practical 81:16
practices 122:27
praise 95:40,41
pre 22:19
pre-draft 106:46 118:1
pre-EFP 67:15
precedent 150:22,37
predator 114:8 155:24
predominantly 65:35
 146:37
prefer 76:44
preferable 115:7
preferred 108:22 109:5
 109:22 117:27
preliminarily 40:39
preliminary 17:33
 21:19 35:32 36:7
 43:40 111:19
premise 127:30
prepaid 69:8
preparation 11:43
preparations 16:25
prepare 9:24
prepared 20:39 30:7
present 2:2 3:11 12:38
 33:43 34:32
presentation 4:26,32
 4:39 5:16 18:24 20:27
 20:35,43 27:16 28:21
 29:13 34:32 38:41
 41:35 55:11 58:46

- 61:12,42 62:33 74:46
76:22 78:16 83:30
101:38 106:15,20
107:28 114:26 116:40
118:6 123:33 124:42
128:15 134:42 136:23
138:29,31 154:2
presentations 59:38
131:24 138:33,35
presented 20:32 33:2,2
76:17 115:38 116:48
122:33 161:13
presenting 21:18 34:17
President 90:44
Presidential 15:31
51:12 91:28
presiding 1:26
press 95:29 96:12,23
pressed 124:3
pressure 76:48 146:24
pressures 83:25
pressuring 96:17
presume 18:29
pretty 16:16 19:37
37:31 43:7 48:23
56:39,46 59:19 60:44
60:45 73:13 79:29
81:13,20 82:28 84:11
85:25 97:16 104:25
107:47 123:28,42
125:38 140:28 141:18
141:29 142:6 144:48
148:30 153:26
prevent 149:3
previous 117:7
previously 40:25 43:28
57:32 64:31 66:2
previously-existing
65:12
price 30:9 46:37 72:44
72:47 74:23,25
prices 76:27,30
primarily 47:15 56:14
56:43 57:27,29
114:42
primary 70:6
prior 48:36 76:17
priorities 49:9,18,22,26
49:29,31,38,40 50:10
51:10 90:31,37 92:40
100:20,23 144:7
prioritization 143:16
147:10
prioritizations 105:23
prioritize 141:9 144:25
148:31 155:3
prioritizing 141:12
prioritized 16:1 92:24
153:38
priority 49:48 50:12,15
50:18,19,24 51:11,13
51:17,17 55:38 92:31
92:31,42 154:43
162:37
private 60:48 64:46
87:40
privileged 87:42
pro 88:33
proactive 90:11
probability 134:1,4
probably 9:2 21:42
28:39 31:27 32:22,32
35:39 45:3 47:32
49:23 59:28 74:38
77:29 82:10 105:24
112:35 120:25 123:28
125:45 128:48 130:33
131:12 137:1 138:34
146:31 149:6 150:33
150:39 151:47 155:42
159:42 161:37 162:41
163:30
problem 10:10 27:20,27
27:35 35:42 46:20
50:47 78:35 79:19
82:6 83:35 84:1 85:7
85:8,21 95:25 96:9,27
97:12,21 105:4,18,19
112:47 120:7 126:6
141:6 143:44 145:15
145:16,26 146:26
147:26 149:33 156:19
158:4,37 163:46,47
164:44 165:3
problematic 59:28
83:22 98:41 126:40
146:17
problems 50:38 97:13
97:18,24 100:27
103:7,17 104:41
120:5 121:21 147:2
156:31,48 157:16
158:23 161:22
Procedure 65:43
procedures 69:5
process 13:4,32 14:33
14:36 19:6,8,40 20:6
22:41,42,43 23:12,13
23:36 26:34 27:21,23
27:25 33:40 36:40,42
36:43 40:24 41:14,18
42:10 46:3 49:48
50:12,18 51:11,18
67:34 92:5 93:48 96:2
98:45,47 99:2,22,24
104:45 105:7,10,12
117:46 118:7 136:27
136:31 137:46 138:10
143:16 147:39 148:2
149:1,4,5 150:1,2,5,7
153:18 163:40 165:2
processed 70:18
processes 18:46 28:32
64:17 105:14 129:14
produce 123:47 153:36
producing 31:18 127:9
product 28:22 83:40,46
84:24 91:8,11 151:9
151:28 164:34
production 21:14 24:4
127:13
productive 88:30,32
products 91:5 103:25
professional 159:43
professor 91:24
profile 43:39
profitable 11:3 38:37
103:30
program 16:31 26:9,10
34:39,45 37:47 46:7
51:27 63:22 67:43
68:35 69:14,45,48
70:6,39 72:11 73:7
88:1 91:15 92:38
programs 26:7,8 70:38
76:41 92:37,37 97:5
progress 49:4
prohibit 109:31 121:29
159:7
prohibited 19:47 51:44
54:9 93:21 108:18
110:21,32 121:4
139:27 140:22 144:8
146:6 151:40 158:6
158:20
prohibiting 109:11
prohibition 19:33 126:3
159:8
project 4:24 21:3,14,18
21:20,20,23,29,45
22:45,45 23:34 24:1,4
24:19,26,27 25:10,14
25:20,29,37,40 26:14
26:15,36,43,45 27:3
28:34 29:24,29 31:5,7
31:33,48 32:10,15
33:39,43 34:34,43,46
36:46 37:11,22,26,39
37:42,44 40:17,38,40
41:45 42:27,28,33
43:36 44:7 45:10,29
45:33,34 46:48 48:11
48:12,13,16,30
120:19
projections 133:47
143:41 147:47 165:19
projects 21:30 23:1,2,3
23:4,4,5,6,25,29
26:42 31:13 33:44
34:4 35:23 44:46
47:14 97:37
proliferates 46:29
proliferation 125:30
145:16
prolific 127:38 145:35
prominent 75:47
promise 84:2 95:14
promises 94:46
promote 138:5
promoting 138:15
prompts 76:33
prong 50:34
proper 52:40 53:22
properly 53:20 85:45
proportion 122:22
137:40
proportional 119:43
proportionally 135:41
proportionately 63:35
proportioned 137:4
proposal 124:17
proposals 104:30
116:28
propose 77:15,20
proposed 5:12 9:14
13:1,25 14:48 16:39
16:42 21:21,29 24:1
24:18,34 42:16 50:40
75:38 106:17,31
107:6,9,22,47 108:4,8
109:5,18 110:44,46
111:2,21,22,26 112:2
112:3,14,21 117:1,26
128:28,33,40,44
132:20,21,34,47,48
133:3,19,20,25,30
136:16,26 138:19
proposing 95:26 111:2
111:4,9,13 112:7
prosecuted 54:45
prosecution 48:46
protect 93:16 117:29
121:40
protected 9:28 12:36
43:6 93:13
protecting 104:27
protection 22:13 51:6
protections 93:3
122:40
protocol 70:2 122:31
proud 125:4 161:7
provide 25:21 26:20

43:46 44:10 45:10
 50:45 63:36 66:14
 67:45 68:40 69:48
 90:39 110:3 111:32
 134:8 136:15 160:48
provided 10:21 13:33
 20:25 25:6,25,44
 41:28,31 43:36 48:10
 64:3 67:27 68:5 69:46
 71:48 72:45 74:32
 93:26 132:9 133:46
 135:29 137:24
Providence 92:48
 104:5
provides 39:18 59:34
 66:11,16 69:25 70:45
 134:14
providing 38:21 62:31
 77:36 161:2
provision 68:33 132:27
 132:44 133:3,14
provisioning 24:37
 25:8
provisions 132:25,43
proxy 7:9
PSE 119:46 124:32
public 13:2 15:1,5,39
 21:31,34,35,38,48
 22:47,47,48 23:7,30
 23:39 26:40 27:1
 42:29 70:36,39 78:39
 89:27,29 92:2,8,10
 93:4 96:44 99:6 106:1
 106:2,36,39,40,41
 108:44 110:8 111:27
 112:1,24 117:34
 124:17 128:12 131:11
 131:13,22 136:26
 148:39,40,46 149:37
 150:5,13,14 153:11
 153:20 155:48 156:2
 156:3,4,9 159:2,15,16
 160:16 163:9,9,12
 165:9
public's 26:38 45:20
publications 23:42
publicly 39:7,24 151:27
publish 134:35
published 9:14,17,22
 38:26 49:27 64:2,9,33
 64:45 67:25 110:25
 110:48 131:46 132:20
 133:1
Puerto 156:16,23,23,35
 157:6,19
pull 42:31,32 130:3,9
 147:17
pulled 117:2 134:24

pulling 36:26
punishment 99:47
pupping 144:34
pups 142:42
Purmont 2:31 8:3,3
 76:21
purpose 43:15 51:15
 106:20
purposes 55:21 139:4
 159:35
purse 4:38 12:29 62:48
 63:2,4,6,30,41,44
 64:20,21,30 65:16,23
 66:37,38,41 72:12,23
 72:26,33,35,36,41,42
 77:22 78:5 79:37 96:4
pursue 16:32 56:33
 90:13 93:24
pursuit 57:37
purview 116:10
push 124:4
pushed 56:39 134:39
put 17:48 24:43 28:12
 32:7 35:46 37:39 38:1
 40:29 45:2 51:10,15
 51:22 60:35 78:40
 80:41 84:39,41 95:30
 99:3 103:44 105:8
 113:37 114:4 115:14
 116:3,28 120:40
 124:17 130:10 132:14
 134:10,28 136:6
 141:11 153:9 160:28
 164:20,43
puts 85:22
putting 19:27 42:14
 90:23 92:28 99:30

Q

qualified 81:5
qualifying 47:25 81:6
quality 34:47 47:39
 70:12
quantify 40:36 47:43
 50:11 57:20 98:33
quantitative 153:28
quarter 11:34 59:33
quarters 25:1 26:19
 27:8 113:25
query 119:45
question 19:41 27:17
 27:43 28:10,40 30:14
 31:5,27 33:6 37:20
 39:30,39 40:22 41:2
 42:18 44:1,20,39
 45:28,47 47:47 55:9
 59:5 61:15 72:39
 98:42,43 100:33

101:13,14,17,19,42
 105:31 114:1 115:28
 115:35 124:18,34
 127:29 135:8 136:28
 136:37 137:9 143:2
 143:10 150:32 151:31
 162:18,25
questioning 127:30
questions 4:26,32,39
 5:16 11:45,47 14:26
 17:18 21:1,26 27:10
 29:11,23,43 30:29
 35:29,39 41:22 45:23
 56:9 58:31,40 61:48
 62:25 105:35 106:2
 112:26 113:48 114:30
 122:46 128:16 134:43
 148:45
queue 35:11 61:41,44
 61:45,47 74:37,39,41
 74:42 78:11,12 80:29
 85:30 86:7,8 100:21
 106:5,6,7,7 131:28
 165:44
quick 6:11 28:1 33:6
 44:17,20,22 47:46
 49:6 62:5 78:32 80:7
 100:32,34 103:44,46
 104:38 106:19 108:7
 110:17 115:35 128:11
 128:16 131:10 132:19
 137:9 138:29,39
 141:26 150:18 158:36
quicker 153:18
quickly 98:46 116:44
 151:34 153:14 165:21
quiet 115:31
quite 6:18 15:6 28:27
 37:45 44:13,26,29
 47:27 49:14 83:34
 87:32 99:12 100:36
 129:33 155:20
quiver 82:27
quiz 121:18
quo 121:10 122:1
quota 4:37 9:15,19
 10:32,32 11:4 13:45
 20:41,41 47:11,29
 62:42,47,48 63:3,12
 63:22,29,33,35,38,40
 64:3,5,9,12,13,28
 65:10,14,33 67:43
 68:3,4,7,8,12,19,19
 68:24,27,31,32,35,46
 71:4,6,7,32,38,43,44
 71:46 72:4,5,8,11,21
 72:32,40 76:32 77:4,6
 77:11,19,21 79:37,39

81:23,44 82:8,14,17
 82:37,38,45 83:12,24
 83:28 89:9 106:34,45
 106:47 107:5,41,47
 108:5,6,17,25,36
 109:14,15,30,37,39
 109:42 110:7,23,31
 110:33 111:10,12,14
 111:32,35,37,47
 112:5,13,14,18,48
 114:36,45 115:9
 132:31,42 133:21
 134:27 135:46 142:2
 142:20,46 143:6,47
 156:25,33 157:21
 161:42,47 162:4
 164:11
quota's 111:46
quotas 27:33 63:33
 64:30 77:3 83:3 96:20
 106:26,44 107:38
 108:10,14 109:7,19
 109:34,45 110:24,48
 111:18,21 133:19
 135:22 156:18,18,28
quote 16:33 80:1
quotes 139:43

R

R 87:1
radar 120:26
Rademeyer 150:21
raise 6:24 9:5 43:14
 102:25 143:10 148:41
 159:11
raised 17:40 77:38
 96:39
raises 124:34
ramps 53:37
random 70:5 124:10
Randy 2:15 3:16 7:37
 12:17 21:4 32:39,41
 36:9 38:22 78:11
 137:27,29
Randy's 21:11 137:48
range 10:44,46 28:8
 66:43 69:26 82:16
 107:39 114:39 119:41
 129:5 145:8
ranging 71:38
rank 129:26 154:30,34
 154:41 155:13,14,19
 155:20
ranked 154:35
ranking 155:35,39
rant 161:18
rapid 76:34
rare 140:35

rate 73:1 95:8 141:12
 145:31 159:29
rates 77:37,41 142:48
rationale 41:38
Rav 159:24
raw 27:28 119:37
 124:31 149:34
re-meet 8:23
reach 45:25
reached 77:7 111:37
 114:36
react 100:29
reactive 100:28
read 20:38 43:19
 104:11,15 111:17
 159:29
read-ahead 104:20,21
readdress 57:37
reading 80:43 114:7
readjusted 64:31
readjustment 64:32
ready 87:9 161:25
real 17:45,47 50:3 82:7
 85:17 88:21 89:12
 95:24 98:33 99:17
 123:10 128:11 138:29
realistic 153:24
realities 153:33
reality 28:21 43:5
 123:48 154:23
realize 54:1 125:45
realizes 141:6
reallocated 63:4,12
reallocation 63:8,40,43
 65:18
really 18:17 19:5,29
 27:42 28:23,41 29:40
 29:48 30:40 31:31
 33:29 34:32 35:44
 38:30,33 43:38 49:6
 60:7 61:38 62:20
 78:20,42 82:43 83:36
 84:3 87:29,30,41,45
 87:48 88:8,22,24,37
 89:16 90:38 91:22,29
 91:34 92:13,23 93:33
 94:36 95:6 96:47
 97:14,38 98:1 100:44
 102:3,26 103:5,28,29
 103:29 105:40 124:29
 124:34 128:4 129:22
 132:1,41 138:33,37
 140:6,35 143:14
 146:25 153:10 154:17
 154:18 157:28,37
 158:11 163:10
realm 33:3 34:17 88:2
 136:26

reanalyzing 118:24
reap 46:22
reapproval 14:36
reapproved 14:39
reason 62:24 69:38
 126:9 135:25 154:9
 154:32 156:26 164:19
reasonable 95:8
reasons 6:32 57:23
 74:17 102:1 107:34
 108:32 136:11
reassessing 154:13
Rebecca 150:21
rebuild 120:48 121:5
 144:9 146:30
rebuilding 117:9,11
 127:28 139:1 141:31
 142:29
rebut 85:48
rec 9:12 53:25 92:29,29
 131:22 150:22 165:41
recalibration 146:13
recall 117:4 128:37
recap 116:44
recapping 138:20
receive 72:1 99:4
received 13:7 14:4 15:6
 15:6 27:36 28:16
 50:21 54:18 68:48
 73:12 108:45,46
 109:40,44 110:15
 111:27 113:41 114:33
 120:45 132:38 133:21
 157:5
recognize 31:35 48:42
 61:7 98:43
recognized 85:15
recognizing 43:39,41
 78:22
recommend 59:20,34
recommendation 64:4
 115:38,40 117:13,15
 124:16 159:45
recommendations 52:8
 91:18 123:34
recommended 23:25
 119:19
reconcile 83:14
reconvene 87:4
record 115:15 136:35
recording 69:27,29,32
 79:20,23
records 147:20
recover 83:9
recovered 54:48 100:41
recovering 126:32
recreation 7:30
recreational 6:36 7:19

7:32 8:10,14,37 11:29
 11:33 12:29 15:42
 17:37 19:14 47:16
 52:4 53:33,44 54:14
 76:12 77:3 91:43
 94:42 98:22 117:28
 118:20 119:8,12,34
 121:7,10,12,15,20,24
 121:37 123:14,34
 124:14,21 125:43
 126:6,7,18,27 127:42
 127:44 129:9,29
 130:26 134:20,21
 135:5,7,8,24,26,31,34
 135:38,42,44,47
 137:10 142:27 146:18
 146:25 151:39,42,45
 152:3,22,36,38,42,46
 159:25,34 165:18
recreationally 52:25
 121:35 124:6
recruitment 48:1 99:7
recurring 36:23
red 57:19 73:28 98:4
 120:33 124:33 145:22
 145:25
reduce 24:29 25:17
 38:18 39:31,33 70:26
 90:14 107:29 111:38
 112:13 117:16,26
 118:14,19 122:2
 145:28
reduced 10:35 55:47
 63:35 72:5 73:42
 112:8 128:19
reduction 36:12 37:9
 37:35 40:11 55:35
 58:2 67:20,21 71:28
 74:12 112:18 119:23
 120:18,23,25 122:35
 126:15
reductions 45:5 118:26
 119:27 123:3 128:30
reef 158:5,11,28
reefs 158:32
reel 95:42 96:5
refer 21:47 40:32 44:47
reference 116:42
 137:19
references 151:3
referral 55:2
referred 43:43 65:4,18
referring 19:28 28:38
 48:7 81:26
reflagged 9:44
reflect 11:35 80:38
reflected 90:37
reflective 14:18 126:38

reflects 10:33 110:47
refresh 62:44
reg 50:45 51:2 106:3
regard 14:8 148:32
regarding 40:22 44:11
 52:7,29,39 60:17
 83:30 104:4
regardless 9:43 13:3
 98:20
regards 21:24 55:11
 59:37 94:16 144:32
 146:12 147:46
Reghi 3:27 51:24,26
region 70:37 90:23 92:6
 94:1,2 99:30 104:43
 108:28 109:18 111:23
 111:24 119:42,42
 135:21 158:3 159:20
region-by 99:29
regional 10:25 15:21,43
 15:45 57:45 70:38
 90:24,30 92:12,39
 103:13 108:14,40
 109:6,34,45 110:7,47
 119:40,43
regions 12:1 71:15
 91:42 92:15 99:44
 133:39 141:8 156:39
registered 9:35 53:19
 53:20
registration 12:10,12
 19:20,26
regs 121:22 122:27
regulated 96:42
regulating 64:24
regulation 19:36 66:22
 66:45 67:3 156:24
 157:7,8
regulations 19:39 20:7
 45:31,32,35 52:6,40
 53:12,41 54:3 61:4
 63:18 71:17 74:20,23
 79:6 120:5 121:19,26
 121:30 157:2,13
 159:39
regulatory 4:15 24:12
 24:30 50:39,41 64:19
 103:3 115:8 163:23
reimbursement 14:42
rein 87:47
Reinhardt 3:29 21:9
 36:28,34 37:43 38:45
 40:21,35 41:5 44:6,39
 48:6
reinitiate 12:25
reinitiated 12:31
reinitiation 12:21
reintroduce 60:42

reiterate 125:41 129:43 137:44	repeat 38:12,13 50:16	require 69:35 116:24 121:24 122:19,30 138:7 147:44 149:6 159:40	99:31 100:10 105:25
reiterated 143:23	repeatedly 98:28	required 23:38 44:3 45:32 52:41 54:2 66:7 68:18,20,25 69:32 73:11 128:3 132:7 146:3 147:45 160:25 160:33,34	resparked 104:9
reiterating 136:33	repercussions 77:42	requirements 24:12 45:35 53:42 63:13 65:47 73:6 132:14,33	respect 33:48 70:34 73:17,48 88:38 127:23
related 18:33 47:48 65:35 89:7 96:1	replace 31:12 34:46	requires 58:37 155:3	respected 160:47
relates 45:9	replacement 14:42 36:5 69:9,35	requiring 63:25 69:7 121:17 122:8 147:41	respectful 6:27
relationships 48:1 98:3	replacing 55:24	reread 104:9	respond 56:26 127:15
relative 95:43 120:40 129:26	replicate 25:35 26:31	rescue 125:2,14	responded 52:29 54:19
relatively 28:1 39:4 73:30 103:44	report 13:15,17 16:19 16:20 17:29 36:7 38:46,47 39:2,6,11,18 39:26 52:25 53:16,27 53:29 54:41 55:5,8 66:6,7 73:8,10 76:3 79:25 84:46 91:14,32 119:9 122:20 137:8 160:22	research 9:31,32 15:18 25:22 107:25,30,41 107:43 111:24 118:37 123:26 127:27 134:22 141:44,48 142:19 145:4,5 146:10 151:36 160:24	respondent 51:38,42 53:9 54:23
relaxed 79:35	reported 17:30 18:7,8 54:7 55:22 66:30 75:29 76:5 82:12 118:45 119:1,2 122:23 123:36	researched 137:12	responding 51:32
relay 116:11	reporting 13:38 44:2 54:43,47 63:13,15,23 65:48 66:32 73:46 74:48 84:42 160:31	researchers 35:37	response 22:30 23:33 23:46 51:12 63:39 85:31 115:44 116:20 165:10,13
relayed 56:20	reportings 49:43	reserve 63:5,10,41,43 63:47,48 64:7,27,30 65:17,19,21 71:47 79:31	responses 79:14
release 9:28 16:23 52:8 57:28 82:22 94:15 121:43 135:27,32 145:25 162:45,45	reports 13:40 17:24,25 39:9,22 40:42 66:21 73:12,14,15,16,18,19 73:21,25 85:8,13 156:32	resilience 90:16	responsibility 32:20 66:6 78:42 79:11
released 15:16 16:2 23:45 53:47 73:31 115:5 122:9 138:21	repose 24:40,40,42,47 25:3,12,19 27:7 29:44 30:1 31:22,23 43:20	resilient 14:13	responsible 23:37,38 32:37 92:30
releases 59:28 95:29	represent 6:12 21:12 66:33 81:37 95:41 110:7 119:20 163:16	resolved 10:29 54:17 67:32 69:11,20	responsibly 102:38
releasing 76:37	representation 22:8 137:31	resource 21:41,46 26:15 28:33 29:1 30:36 36:41 41:10 55:47 58:3,18 95:36 149:8 157:41 164:5 164:41 165:1	rest 11:8 18:31 51:20 85:30 107:27 117:45 127:7 153:4 158:12
relevant 66:14 70:25 99:37 158:8	representative 6:41	resources 6:38 7:36,42 12:36 21:24 22:1,4,6 22:16,17,23,29,35,38 23:16,44 25:38 26:3 28:43,44 30:39,45 33:41 34:21 37:37 40:32,36,41 41:11 49:11,14,17,21 50:22 53:7 89:30 92:22,44 95:5 97:22 98:25	restoration 28:36 3:21,24,29 21:7,10,11,15,32 22:4 22:27,31,33,35,37,40 23:8,11,31,39 24:2,19 26:5,37,44 28:43 29:18 30:26,30,36,41 31:26 32:45 33:22 34:9,43 35:34 38:3,35 41:21,27 42:31 43:4 44:46 45:1,14,16,17 45:29,33 47:38
reliable 95:34 125:45	represented 22:12 50:27 66:35 108:34 159:32		restoring 21:24 22:34 23:16 29:20,25 30:16 30:18,44 33:14
relief 99:2,4,14	representing 6:43 7:1,6 7:18,21 8:19 17:10		restricted 63:20 74:5 74:20
religion 122:31	represents 119:23		restriction 36:36 110:12,14,41
relying 69:14	reproductive 117:29		restrictive 133:16
remain 151:40	request 19:10 55:10 57:21 113:41 114:33 114:34 115:11 157:18 157:21		result 22:18 23:17 24:14,28 45:18 46:10 46:32 48:15 62:35 64:4 74:22 97:6 99:10 140:26 154:37
remainder 45:21 63:6 134:26	requested 109:45 151:23		resulted 23:32
remained 11:9	requesting 112:1,3,20		resulting 22:1 31:3 118:27
remaining 68:12 71:7,7 80:11	requests 11:1 15:33 141:22,24,25,43 142:38		results 5:14 16:46
remains 43:16			
remanded 12:41			
remarkable 75:12			
remarks 4:42 50:17 87:8			
remember 14:31 45:4 60:26 61:26 75:7 79:17 98:10 131:33 132:7 137:44			
remind 58:12			
reminded 151:38			
reminder 6:23 136:18			
reminding 153:3			
removal 133:4			
remove 108:2,41 110:14 134:19			
removed 108:19			
remunerated 88:18			
renew 85:7			
reopened 110:28,35			
repairs 29:33			
repatriate 57:14			

37:46 47:2,42 101:15
 104:46 134:31 136:47
 138:48 141:30 154:29
 161:38
resurgence 47:9,10
retain 121:32
retained 66:8 67:5,48
 73:27 121:35 122:8
 133:7 136:10
retaining 121:25 126:8
retention 10:44 11:2
 64:35,36 66:42 67:1
 107:21,23,32,36
 109:31 110:37 111:38
 111:45 121:29
retired 47:27
retraction 113:43
retrieve 158:38
retrospect 131:41
return 69:8
returned 60:28
returning 96:46
review 9:23 12:40,44
 14:5 18:46 19:10
 21:34,40 23:7,30
 26:40 37:23,28,41,44
 37:45,48 40:26 70:12
 70:12,21 120:31
 128:40,42 139:11
 151:1,19
reviewed 23:42 26:38
 40:30 140:4 143:42
reviewing 15:5 21:37
 27:2
reviews 92:36 153:20
revision 100:18
revisit 56:34
revitalization 84:8
revolved 151:35
rewards 99:47
RFMOs 88:15
Rhode 7:12 92:48
Rich 2:32 8:5 20:20
 27:12 74:39 78:10,13
 80:15,25,35 81:25
 93:40 95:16 101:45
Richard 76:40
richly 88:18
Rick 2:9 3:33 7:11
 60:15,38 61:10
 101:23 103:43
Rico 156:16,23,24,35
 157:6,19
ride 97:38 125:3 127:19
ridgeback 121:29,32
 126:3,11 146:22
rig 52:33
right 8:22,27,43 18:17

20:48 24:4 27:11,23
 29:9 30:23 35:10,11
 44:12,34 48:18,19
 55:7 58:9,33 60:28
 61:10,11,20 62:18
 70:14 74:38 78:40
 80:28 81:29 82:4
 83:26 84:13,16 85:36
 86:5 87:3,9 93:36
 96:18 98:13 99:31,41
 99:45 100:34 101:22
 103:8 105:33,41
 106:11 112:45 113:39
 114:21,29 115:17,24
 116:16,32,36 121:6
 122:47 124:37 127:2
 127:12 128:9,24
 130:38 131:8,30
 132:45 134:33 135:28
 136:3,19,21 137:2
 138:27,39 141:43
 144:15 148:43,46
 151:29 154:18 155:29
 155:48 156:23,33
 157:45 159:1,10,12
 159:14 160:15 163:8
 163:48 165:14
right-hand 67:14
Risenhoover 14:4
rises 72:48
risk 15:34 51:6
River 97:32
road 89:14 95:45
 138:15
roadside 53:2
roam 131:4
robust 26:1
rod 95:42 96:4 158:38
rode 125:5 127:18
role 22:15 47:37 88:23
 94:24 153:45 154:38
roll 80:2
rolled 92:1,3
Rom 19:12 78:11
 125:33 141:37
ROMULUS 2:40
Ron 7:29
room 1:24 6:25 29:35
 36:45 46:44 93:24
 101:1 131:3,26
 143:26 159:26 160:35
 161:23,37 165:17,43
Rouge 21:8
rough 41:48
roughly 42:3,6 111:36
 111:36
round 17:39 135:17
round-scale 18:9,15

rounded 59:17,18
route 144:27
routine 64:22
routinely 47:23 51:48
row 66:41 142:18,24,28
Ruais 2:32 8:5,5 20:21
 20:37 78:14 79:22
 95:17
RUBIN 3:44
rubric 36:13
Rudee 52:3
rule 4:37 9:15,19 13:1,3
 13:25 14:33,48 16:40
 16:42 20:41,41 63:36
 64:2,5,9,9,19 106:18
 107:9 108:8 109:1,5
 110:25,44,45,47
 111:2,26,34 112:2,21
 113:6 117:1 128:28
 128:33,40,44 132:20
 132:23 133:19 134:35
 136:16,22,24,27
 138:1
rulemaking 9:20 14:32
 75:38,38 106:32
 118:11 120:46
rulemakings 14:30 15:9
 15:12 91:4,37 117:43
rules 6:22 9:14,17
 16:39,44 41:19 63:28
 64:20 67:42,45 68:17
 91:22 106:13 121:19
 122:26 159:39 164:43
run 7:12 68:38 83:11
 90:6
rundown 141:26
running 10:29 13:47
 87:19 89:8 151:24
runs 47:41 68:27
runway 6:7
Russ 15:44 91:44,45
 92:28
Russell 2:18 7:5
Rusty 46:18 55:8,14
 58:43,45 60:2,14
 93:40,41,42 95:16
 112:27,28 114:3,11
 115:35 116:6 122:48
 123:1,31 124:13
 127:18 134:44,46
 137:10 139:40 140:30
 140:39 143:20,38
 144:12,13,14 147:3
 148:37 150:17 157:47

S

S 8:11 38:11 87:1,1,1
sacrifice 46:10,21

47:14,44 83:44 84:23
 160:44,44,44
sacrificed 100:46
sacrifices 99:3 101:4
 161:35
sad 62:14 87:15 98:1
safe 6:5 39:18,22,26
 52:8 119:9
safety 57:23 61:4,31
 90:45
sailfish 54:17
sale 19:46 95:26
Saltwater 15:42 69:21
sample 58:25 70:9,11
 80:13
sampling 69:43 70:2,6
 70:6,7
Sampson 2:33 6:35,35
 125:35 151:32,33
Sanctuaries 51:7
sand 59:22,24
sandbar 59:22,23 94:33
 99:8 106:45,47,48
 107:5,24,44 113:13
 117:23 127:26 139:19
 141:25,27,28,42,45
 141:48 142:11,12
 144:43,46 145:2,6,7
 145:32,35,37,38
 146:1 148:25 150:33
 151:36 162:7
sandbars 114:12
 145:11,17,24 151:39
 151:41 152:11,25
 162:10
Sanders 59:33
SARAH 3:20
Sargasso 144:35
sat 29:35 81:19 147:13
satisfactorily 28:40
saved 125:3
saw 43:20 80:14 92:46
 94:15 103:43 115:43
 115:43 122:22 156:1
saying 95:3 96:25
 98:11 100:37 128:2
 137:12 149:31 152:40
 153:4 154:21
says 19:14,32 29:19
 59:2 70:42 124:33
 156:22 157:12,27
scaled 17:40
scalloped 12:24 59:16
 117:24 139:20 146:28
 146:30,34,40,44
 149:27
scallops 103:24
Scanlon 2:34 7:47,47

39:29 40:44
scenario 59:44 158:29
schedule 143:35
 144:41
scheduled 65:40
 123:20 140:9 141:1
schedules 99:24
schematic 136:46
SCHLAHT 3:30
Schlat 48:27 55:22
 58:28 61:30
school 6:46 7:1 8:2
 64:42,43,47 65:1
 146:45
school/small 64:47
 65:1
Schulze 8:45
SCHULZE-HAUGEN
 8:43 17:28 19:19,35
 19:45 20:15,31 48:31
 62:4 93:28 116:2,9
 138:18 149:44 162:22
science 6:47 7:1 8:4
 15:23,25 18:37,37,44
 19:7,9,23 36:14,29,30
 37:12,15,25 50:36,42
 50:46 69:42 70:4
 76:38,41 85:6 90:17
 90:29,36 92:24,37
 93:45 94:5 98:35
 100:16,19,40 103:8
 105:17 116:12 120:34
 124:8 127:30,31
 128:3 141:2 147:4,13
 151:25 153:25,34
science-side 15:48
sciences 8:2 51:3
scientific 9:30 35:34
 37:19,28 58:20 76:41
 90:18 97:19 151:19
 157:44 164:48
scientist 36:9 116:7
 134:48 150:34,35
 153:15
scientists 76:35 126:33
 133:38 139:38 140:19
 143:25,34 150:29
 153:26 154:41
scope 21:44 23:4 28:7
 32:27 77:36 144:15
scoping 104:13
scoring 143:16
Scott 2:37 7:25 39:28
 45:44 47:45 74:40
 77:38 78:10 80:28,32
 93:38 98:14 102:7
 125:34 126:21 128:8
 129:43 148:28

screen 70:41 120:26
sea 53:36 56:19 64:22
 64:24 137:46 144:35
seafood 7:26 15:36
 52:16,21 53:2 54:36
 88:5,7,10 90:42,45
 96:14
seamounts 93:14
search 49:28 54:36
seas 55:19
season 16:25 53:15
 65:15 70:8 76:24
 78:41 82:47 102:28
 106:17 109:1 110:45
 111:5 113:23 162:21
seasonal 62:10
seasons 108:46,47
seat 61:37
seats 87:5 131:19
second 9:2 27:22 32:24
 42:30 66:41 68:30
 70:7 115:22 126:45
 128:22
secondary 55:45 70:20
secondly 68:23 129:48
secretary 95:4
section 48:44 51:37
 54:21 164:46
sector 55:26 64:48
 87:40 126:27 127:42
sectors 134:15
secure 83:27
Security 28:25 55:37,42
 59:43
SEDAR 18:39 93:47
 105:10,12 117:5
 129:13 132:16 133:24
 135:1 139:12,46
 143:27 144:16 147:39
 147:48 149:10,25,37
 150:2,6,35,38 151:4
SEDAR-like 150:21
see 8:23 10:36 11:26,28
 12:15,16 15:26,27,46
 16:12 17:23 24:22
 30:20,25 32:33 38:34
 39:35 42:42 45:14
 46:14 49:20,30,36
 50:9,11,20,25,38
 55:41 56:34 57:4,36
 57:37 58:20 59:39
 61:28,33 67:10 70:41
 71:1,10,20 73:29 76:4
 77:32 78:28 80:13,31
 82:2,32 87:11,12,17
 93:36,44 94:17 95:15
 95:18 97:36 98:19
 101:26,32,38 107:17

109:36 111:46,47
 112:27 113:9 118:30
 119:28 120:17,38
 123:7 124:29 125:6
 126:21,34 127:41,42
 129:7,34 134:23
 137:38 138:44 143:44
 144:11,13 145:7
 146:3,37 147:6,26,36
 148:36,37 157:30
seeing 11:35 12:13
 20:48 27:11 35:25
 61:23 93:40 94:17
 98:34 126:29 127:24
 129:20 143:19
seeking 92:8 95:22
seen 6:7 11:32,36 43:17
 46:38 57:7 69:16
 82:41 84:44 100:39
 114:16 119:27 120:2
 120:15 125:29 145:17
 148:18 158:2
segment 62:2
seine 4:38 12:29 62:48
 63:2,4,7,31,41,44
 64:20,21,30 65:16,23
 66:37,38,41 72:12,26
 72:33,35,36,41,42
 76:26 77:22 78:5
 79:38 96:4
seiners 72:23
seize 57:13
select 23:2
self 18:7
sell 20:12 124:3
selling 19:43
semi-truck 54:39
Senate 159:32
send 6:28 15:32 41:30
 82:28 83:7
sense 18:2 19:25 50:30
 51:9 64:25 84:15
 92:39 137:16
sensor 69:30,33,36
sensors 68:37 69:30
sent 79:32 85:13 93:28
 93:30
separate 133:36 139:34
Separately 45:37
separation 110:3
September 1:19 14:23
 64:10 68:48 93:1
 112:22 113:23 115:13
 148:24 159:44 162:17
 162:27,31
serial 54:33
series 120:11,15
serious 78:24

seriously 88:41 89:3
 95:23
serve 143:27
served 48:45
service 1:6 52:18 54:30
 69:33 75:20 102:45
 149:45
services 22:1 25:21,25
serving 52:16
session 8:36 80:16
 131:22 165:15,16,46
set 10:46 16:7 63:38
 64:37 70:7 73:10,11
 77:23,24,24 84:46
 107:31,38,40 110:38
 122:4 129:15 130:34
 134:38 142:4 150:21
 151:2 153:31 154:37
 162:10
set-aside 134:22
sets 123:26 131:1
setting 49:48 50:12,18
 51:11,13,17,17
settle 51:42
settlement 52:23 53:28
 54:13
settlements 54:46
seven 9:32 72:45 90:13
 131:2 142:3,6
seven-point-four 65:16
severely 129:46
sex 59:10,12,29
SF 51:27
shame 126:5
Shana 2:27 8:11 29:10
 35:20 38:10
share 6:23 17:9,12 58:8
 62:13,26 70:37,39
 71:3 104:38
shared 20:34 84:47
shareholders 72:14,19
 72:26,32,33,37
shares 67:24,26 68:46
 72:1 106:35,39
sharing 14:6 80:26
shark 5:9,13,14 7:4,7
 8:34 9:11,16,29,32
 11:11 12:2,27,34
 13:43 15:8 16:6,29,48
 18:35 46:18 51:33,39
 51:40,44 53:12,17,34
 54:9 56:19 59:7,8,23
 59:24,31 89:29,30,38
 89:41 94:18,24,34,43
 101:24 106:13,17
 107:1,20,21,25,29,36
 107:41 108:10 109:8
 109:24 110:6,41,45

- 111:3,14 112:4
 113:13,31 117:19,26
 117:37,43 118:14,15
 118:37,41,45 119:3
 119:15,21,23,31
 120:30,39,48 121:4
 121:13,15,15,18,24
 122:11,30 123:15,20
 124:5,23,45 125:7,13
 131:13,17,35,37,42
 132:5,6,6,12,16,23,25
 132:31,34,35,44
 133:19,20,28,29,31
 134:5,8,10,28,30
 136:46 138:29,32,34
 139:13,27,38 140:8
 140:25,29,38 141:18
 141:43 142:1,17,18
 142:46 143:25 148:33
 151:45 152:22 156:18
 156:28,43 157:9
 158:5,11 159:28,38
 160:2,6,11,12,42
 164:10,15
sharkfin 146:36 147:17
 147:18
sharks 11:12 12:35
 16:8 18:43 52:45,46
 53:3,4,10,15 57:22,27
 59:27 89:30,42 93:48
 94:11,12,14 99:9
 105:36,42 107:24,33
 107:44,45 108:21,33
 108:36 109:12,32
 110:32 111:6 112:6,8
 114:36 115:6 116:7
 117:6,17,23 118:3
 119:2,37,39,41,42
 120:1,2,6,8,37,42
 121:2,25,27,29,34,34
 121:38,40,44,44,47
 122:7,8,17,21,22,26
 122:41 123:16 124:5
 124:43 125:30,40,43
 126:3,9,16,30 127:21
 129:30 130:46 131:33
 131:47 132:7,13,43
 133:6,15,48 134:16
 135:3 136:9,20
 138:16,44 139:2,8,9
 139:13,16,21,22,23
 139:29 140:21,24,36
 140:37,44,45 141:45
 141:48 142:3,6,12,14
 142:21,28,37,40,45
 144:4 145:34,34,34
 145:35 146:19 147:6
 147:28,33 149:20,20
 152:8,14,14 156:33
 156:47 157:31,36,36
 158:2,17,22,27,28
 159:33 160:1,8,24
 163:20 164:22,25,32
 164:47
sharpnose 53:4 107:8
 114:43 138:9,12
 152:15 158:4,7,10
sharpnoses 164:15
she'd 98:3
she'll 14:27
sheep's 47:5
sheets 26:45
Sheraton 1:24
shift 14:1
shifting 12:19 52:27
shirt 160:18
shock 87:44
shop 55:27
shopping 19:27
shore 33:12
shoreline 157:35
short 35:18 61:34 90:7
 98:2 99:13 104:10
 131:15 134:41
short-term 41:7 106:21
 106:43
shortage 30:10
shortened 26:44
shortest 130:33
shortfin 124:7 140:38
 148:33
show 18:30 39:21 43:9
 71:2 79:47 85:13
 124:8
showed 27:22,23 38:15
 38:27 54:3 71:10
 147:25
showing 62:1 66:18
 74:10 81:8
shown 120:29 121:45
 129:3
shows 16:15 66:21
 120:31 147:5
shrinking 84:25 99:11
 102:4
shuffling 62:9
SHULZE-HAUGEN 3:15
shut 101:7
shutdown 44:28
side 13:24 19:8 41:21
 48:9 98:21 100:19,19
 108:23 125:17 128:48
 135:3 154:6,8 155:7
sidebar 78:26
signal 79:32 82:28
signed 75:20 159:42
significant 30:10 38:27
 89:4 128:38
significantly 92:9
 117:40
silence 59:11
silky 158:28
SILVA 3:41
Silver 1:24
similar 11:36 64:40
 117:6 121:46 122:13
 122:34 137:38 141:30
 142:41,41 151:3
 162:43
similarly 64:48 142:37
simple 25:43 28:10
 79:24 84:46 121:30
 129:14 157:6
simply 46:34,46 83:48
 98:21 113:30
single 27:47 76:3,6
 84:36 92:6 126:26
 129:7 140:29 160:28
sink 132:32 133:26
Sissenwine 2:35 6:42
 6:42 17:35 18:21 37:2
 153:13 155:6,17,22
 155:28
sit 85:23 88:42 101:27
 129:13
site 10:24 11:43
sitting 36:27 70:27
 82:31 83:3 84:20
situated 21:5
situation 32:47 33:25
 56:21,26,31,36 83:31
 94:43,47 154:11,17
 154:23 165:5
situations 58:10
six 10:44 11:5 25:12
 26:26,27 32:13 42:18
 80:46 106:36 108:34
 127:47 130:17 147:13
six-foot 130:46
six-month 24:41,47,47
 73:42
sixty 26:26,28
size 18:17 40:5 63:39
 66:43,46 67:6 70:9
 115:3,3 117:28
 121:37,39 123:38
 126:2 152:1 156:38
 158:19
sizes 137:42
skewed 72:28 82:10
skiff 64:23
skip 20:37
skipjack 11:25
Skymate 14:38
slated 30:16 55:23
 74:34
slice 137:2,4
slices 134:23
slide 17:21,36 25:7 51:4
 58:48 74:10 111:22
 111:23 131:40 138:43
slides 24:36 49:34 50:5
 59:5,8 111:16 116:29
 138:45
slight 73:45 74:26
slightly 72:48 109:35
 142:42
slot 94:32 113:12
small 11:17,18 27:48
 46:16 64:43 92:29
 107:48 108:2,5,9,15
 108:17,19,23,29,35
 108:39,42 109:14,29
 109:41 110:21,23,27
 110:33,35 111:12
 112:9,42,46 114:35
 114:38 122:23 130:11
 137:1 139:21,44
 156:46 157:21,21
 163:20,37,39,41
 164:1,9,14,22,47
smaller 38:35 39:4
 101:29 143:46
smooth 10:29 13:8
 59:18 126:10 131:34
 132:10,24,44 133:2,4
 133:5,8,40,41 139:30
 139:31 146:35
smoothdog 146:21,24
smoothdogs 138:9,11
smoothhound 5:14
 16:47 121:34 131:33
 131:37,41,46 132:13
 132:16,23,31 133:19
 133:20,28,36,42,42
 134:7,30 139:29,32
 139:32 140:37
smoothhounds 89:41
 126:11 135:1,27
smoothly 78:21
smoothness 95:43
snacks 131:26
snapper 57:19 98:4
 119:6
snappers 145:22,25
snapshot 66:16 145:3
sneezing 62:11
soak 130:32 133:25
Sobeck 3:13 4:43 76:39
 87:8,11 93:30 94:45
 96:29 99:18 101:2
 102:17,30 103:48

- 104:20 105:15
SOC 59:41
Social 28:25
software 70:25,28
sold 46:36 156:32
solely 29:20 34:1 60:18
solicit 34:18
solicitation 22:46
solitary 146:43
solution 50:40,40
163:23,24 164:24,27
165:4
solutions 96:6 105:16
106:33 130:28
solve 96:9 97:13
solved 50:38
solving 97:17
somebody 17:46 59:30
62:9 79:24 87:37,45
94:6,23,38 145:32
149:33 153:43 154:14
161:36
somewhat 37:20 44:40
72:5 76:10 120:12
son 125:1,6
soon 16:10 123:43
134:11 138:26 148:23
sooner 94:14 124:20
sophisticated 78:47
sorry 8:47 20:20 59:33
61:14 85:24 100:31
115:20,28 127:48
128:13 129:41 137:15
138:14,23 139:12
155:28 162:46 163:6
163:11
sort 18:47 20:1 30:13
44:35 61:6 83:29
88:33 93:13 105:1
119:5,27 120:3
121:19,21 126:39
127:15 128:31 136:8
136:34 144:30 148:1
153:31,31 154:10
sound 102:31 129:23
sounds 28:37 36:23
92:16
source 95:34 136:42
sources 17:27,31 21:39
117:38 119:17 134:19
135:45
south 7:18,36,39 10:37
53:1,6,11,33,34,45
56:13 60:34 65:22
81:45,48 94:1,23
104:39 108:4,18,31
112:9,39 113:42
114:32 115:10 143:30
148:26 151:14 155:34
158:12 162:23 163:15
southeast 3:16,33,34
3:35 10:25 15:25,28
19:22 35:35 36:29
37:25 52:27,42 54:20
56:13,22,45 69:41
70:4,36,37,38 85:6
93:45 94:4 105:20,29
116:12 133:32 139:10
Southeastern 8:16
southern 52:3 58:22
southwest 55:39
115:41 116:23
space 128:24 131:23
Spanish 114:33,40
163:16 164:14,30
sparked 104:3
spatial 38:28
spawn 33:12 124:11
spawning 25:2 38:16
38:27
speak 39:15 41:5,17
98:21,48 135:33
155:33,34 161:16
speaking 73:30 163:29
speaks 64:22
spearfish 17:40 18:9,15
special 51:26,28 52:28
54:5
specie 59:29 151:12
species 1:10 4:18 9:28
12:24,34 15:33 16:4,6
16:37 17:39,41,48
24:10,10,13,13 25:16
25:33 26:31 30:42
31:38,40,42,45 33:7
33:27,27,31 34:16
36:11,15 37:35 41:25
46:18,19,27,28,46
47:6,39 51:6,44 54:38
56:43 57:21 59:7,8,13
60:6 74:23,24 76:48
81:29 82:42 89:38
94:11,14 98:30,37
99:9 102:11,12
104:44,45,48 105:7
114:25,42 117:44
118:4 124:44 126:31
138:36,45 139:1,6,13
139:17,26,27,31,34
139:36 140:23,25,28
140:29,31,45 141:1
141:11,18,31,35,40
142:36,38 143:3,4,7
143:11 144:3,8,8
146:6,34 147:31,32
149:14,35 151:12,40
152:25,33 155:12,12
155:36 156:37 157:30
158:20 159:8 162:7
specific 14:20 20:27,35
64:26 67:19 84:4,27
90:28 91:12 93:14
98:29,30 100:41
101:3,19 103:41
104:21 117:37 128:43
132:24,26,36,46
133:3 138:43 139:2
147:31 150:18 153:28
specifically 20:32
40:41 50:28 54:16
62:47 67:7 70:2 71:17
73:24 81:41 98:48
100:39 104:32 112:3
113:48 119:34 122:27
133:14,35 149:20
150:19,45 156:44
specifications 5:13
10:31 16:48
Specs 9:16,18
speed 70:29 79:9
spend 89:45 150:20
spends 58:13
spent 32:30,34 33:36
spike 59:19
spill 21:25,33 22:18,30
22:30 23:17,32,46
24:15,28 25:39 26:4
28:2 29:26,31,34
30:39,48 31:3 33:9
38:17 40:23 45:18
spills 30:34
spin 42:43
spinners 152:16
spiny 159:33
split 23:19,21 107:48
109:23,33,36,38
110:29 117:42 133:38
139:6,14 142:1,20,22
143:47
splits 108:40
splitting 109:27 142:15
spoke 29:38
sponsor 159:38
sponsored 104:23
sport 161:1
spot 38:28 117:31
122:15,32 130:1,5,31
spots 103:5
spotter 8:4
spread 28:15 32:9
99:44 111:31 112:7
spreading 112:12
spring 1:25 20:33 41:3
62:18 90:43 118:2,5
sprung 103:28
squad 125:2
squeak 152:48
squeaking 152:31,32
SSC 149:6 150:40,41
150:48 151:1,6,6,20
155:33
SSC-like 151:25
St 19:24 54:5
stacking 106:44 107:15
107:15,16,20
stacks 18:26
staff 3:11 4:8,14,25,31
4:36 5:10 6:14 8:24
15:23 35:37 78:15
82:22 104:18
staffers 97:35,42
staffing 30:48
stage 13:10 22:26,27
22:32 27:24,24,24
37:29 94:6,7 128:40
stages 15:14,32 21:17
22:19,25 28:4 31:48
35:32
stakeholders 50:21
110:4
standard 10:5 19:37
20:1 63:37 75:36
83:41 119:44
standards 14:33 15:1
101:40
standpoint 80:37 81:16
98:19 151:39 161:47
162:8
staples 145:13
Star 51:39
start 6:33 8:30 21:40
35:28,31 38:6 50:32
51:29 61:23 63:31
65:25 77:10 78:7
84:14 87:7 103:36
105:43 111:4,5 121:9
128:12 130:37 134:13
143:21 144:30 148:25
159:17 162:1
started 6:10 8:41 42:40
61:24,36 64:41 65:24
66:38 103:12 106:30
106:30 107:12 160:41
starting 60:44 125:18
161:11
starts 65:28 77:8 139:1
state 23:25 52:1,13
53:8,10,13,14,20,39
54:8 58:8,14 87:44
97:40,44 98:3 103:37
109:27,47 122:38
129:31 132:28 133:7

145:18 148:13,14
157:7 159:19,31
stated 34:7
statement 104:32
states 10:17 22:9,14
23:19 34:1 54:37 91:6
91:10 97:46 98:7
144:17,20,20 158:46
static 79:46
station 18:13
statistics 38:43
status 4:19,21 12:40,44
12:45 18:45 44:31
72:9 95:35 96:12 97:8
102:46 113:18 120:30
121:10 122:1 158:21
statute 19:37,38 20:4
statutory 20:16,22
103:2
stay 43:12 47:28 111:47
145:5 165:42
steadily 17:43
steel 159:36,40
steep 69:10
step 49:39,39 67:34
70:20 78:4 94:40
step-down 90:23
Stephen 2:19,25 78:10
stepped 91:42
stepping 90:24
Steve 3:38 8:13 115:17
131:31 163:14
Stevens 65:46
stick 165:40
Stiller 2:36 7:3,3 114:2
114:21
stock 5:15 16:1,6,28,46
17:42 48:1 59:45,47
93:46 94:8 95:29
96:15 99:8,23,32,39
99:40 104:40,42,45
105:3,14 107:8
109:42 114:25 115:25
116:7 117:5,7,10,11
117:14,17,19,20
119:19 121:6 131:37
132:16 133:24,36,38
134:8,10,14,28,30
135:30 136:47 137:22
137:37 138:29,40,46
139:5,7,16,17,19,23
139:28,39 140:14,16
140:18,36 141:4,9,9
141:20,23 143:24,29
143:34,43 144:25,34
144:45 145:39 146:1
146:26 147:2 149:10
149:24 150:13 151:14

153:44 154:13,48
162:7
stocks 46:19 94:18
97:9,10 99:43,48
100:2,39 102:47
105:21 126:32,35
133:42 139:6,14,29
139:34,36 148:29
149:2,19
stone 134:38
stool 50:35
stop 28:13 68:38 74:31
80:8 84:2 93:35
stopped 32:33 57:11
store 68:37
story 97:14
straddling 46:19 81:28
148:29
straightforward 69:19
strange 79:2
strategic 4:21 14:3
20:28,32 49:47 92:33
92:36 100:17,20
strategies 90:29 92:17
97:2,4
strategy 15:16 76:38
90:10,11
stratified 70:5,8 129:16
stream 40:2 66:20,20
66:29,29 113:35
145:6
streamline 99:1
streamlined 85:15
99:36
streams 71:26 147:34
street 17:14 21:33
23:42
strength 115:4
stress 156:35 161:32
stressed 164:2
stressful 79:5
stretch 113:29 125:5,22
strict 160:23,23
strictly 163:22
strides 103:4
strong 76:27
strongly 123:22
structure 106:34
structures 106:34
struggle 105:12
struggling 105:18
stuck 137:34,42
studies 22:28
study 11:40,41 13:13
39:9,12
stuff 9:12 27:34 85:10
99:28 116:43,47
122:27 128:37 144:18

145:21,45 146:11,21
147:9 148:24
sub 108:13 109:44
110:6
sub-issues 20:27
sub-quota 65:7 77:6
sub-quotas 64:16
sub-regional 106:44
107:46 110:24,29,48
sub-regions 108:11
110:2
subdivide 106:4
subdivided 8:37
subject 41:19 42:3
43:47 53:48 54:3
97:10 98:16 99:48
100:17
Subjects 54:23
submission 42:33
submit 23:1 93:10
112:23 143:29 144:31
156:16
submitted 21:30 23:29
42:33 73:15 76:4
submitter 42:34
submitting 13:39 14:35
subquota 65:7
subsequent 28:4 29:27
48:16 68:24 87:27
95:31
subsequently 63:5
64:39,45
subset 71:9 81:40
substantial 12:38 22:2
37:45 40:26,31 43:45
63:18,26 80:46 81:46
82:33 83:23 98:39
127:13
substantially 81:1,10
substantive 69:35
92:26
success 21:23 37:33,34
37:39 44:29,34,36,45
45:12 57:46 72:10
89:25 97:1,7,14 98:16
98:18,34 99:16
102:13
successes 44:42 97:27
99:7 101:16
successful 37:18 57:40
72:9 82:48 96:48
97:37 98:9
successfully 68:39,43
72:4
suddenly 34:20
sued 12:41 65:29
sufficient 42:21 118:17
suggest 26:32 38:1

40:31 113:22 123:22
suggested 33:39 42:28
111:28 112:31
suggesting 33:1
suggestion 32:41 37:44
42:26 79:23 112:34
112:41 115:36 123:12
suggestions 21:22 32:2
32:16,44 33:4,34
34:23 38:7 42:41
66:25 115:39 116:1,4
suggests 77:12
suite 63:24
suited 30:41 31:27
sum 42:18
summarize 156:21
summarized 98:4
summary 52:23 53:27
54:13,46 56:11
107:13 110:17 116:29
138:39
summed 119:14,21
summer 117:47
summons 52:19
sunrise 130:37
sunset 130:38
sunsets 159:44
supply 28:22 52:34
supplying 35:6
support 13:20 15:19
29:22 30:20 38:31
50:2,2 51:2 73:6 88:3
107:19,35 108:41
109:41,44 110:15
132:40 136:7 160:10
162:6
supported 109:43
158:21
supporting 49:32 50:31
68:34
supposed 69:28 87:15
127:34
sure 6:13 16:17 21:44
25:26 35:33 49:10,16
49:25 51:2 60:36
70:13 82:31 88:2
91:31,35 92:6,24,38
92:47 93:37 95:3
101:9 116:5,24
124:15 126:46 140:39
149:3 157:8 159:46
160:34
surface 145:10
surprise 49:13
surprised 17:4 78:20
78:21 155:37
surprising 74:38
surround 89:37

survey 19:15 94:16
 114:8 119:12,13,38
 120:35,38,43 123:23
 123:25 146:15
surveys 99:32 120:32
 129:4,19 144:38
survivability 122:11
survival 48:2 159:28
 160:1
survive 127:11
Susan 4:5
sustainability 95:35
 101:40
sustainable 4:20 7:6
 14:2,12,25 15:4 20:28
 50:7,23,31 93:43
 96:15 97:18 102:37
 133:45 134:18 159:27
sustainably 101:5
 102:39
Suzanne 1:25 3:32 6:15
 62:5 78:14 123:32
sweet 134:41
swim 46:34 124:27
swimming 130:18
swing 160:45 161:34
switch 133:34
switched 55:26
swordfish 7:14 9:18
 10:31,38,40,41 11:8
 11:29 12:3 13:43 24:7
 24:38 25:5,16,46
 31:43 38:48 46:41
 81:18,23 84:13 127:9
 127:13 129:44 156:31
swords 46:43
sympathy 79:7
system 12:15 13:22,23
 13:39,44,45 17:29
 44:35 63:16,23 65:33
 66:9,32,34 68:2,36
 69:32,34,39 71:35,43
 73:9 76:6 85:15,16
 89:9 91:7 95:5,8
 160:32
systems 68:39,44
 69:37 81:4 89:10
 165:20

T

T 87:1
tab 42:31 70:42
table 16:35 29:37 34:25
 38:18 42:42 66:16
 67:7 71:9 77:45 79:13
 80:19 81:19 82:32
 84:20 88:20 118:25
 118:25,34 119:16

138:44 140:1 142:12
 154:5 165:23
TAC 134:24,26 135:33
tack 133:48 134:13,13
 135:3 137:40
tackle 101:34
tacks 136:38
tactics 57:37
tag 147:8 159:9
tailored 92:14
take 8:34 14:47 17:11
 21:25 23:14 27:19,28
 27:31,35,39,44 35:15
 44:14 45:22 48:33
 49:47 50:4 56:35
 57:13 58:36 61:1,21
 62:23 71:39 78:27
 87:48 88:34,41 89:3
 89:46 90:39 91:37
 95:20 97:27 99:37
 102:40,48 103:39,39
 104:44 105:6,45
 107:42 112:33 113:1
 115:48 120:16,40,47
 122:35 123:8,22,43
 124:39 128:11,41
 131:9 134:42 135:35
 136:13,23 137:36,38
 138:28 140:10,16
 141:10 142:20 147:34
 148:44 152:27,30
 153:12 156:6,40
 158:37
take-home 94:36
takeaway 118:6
takeaways 100:38
taken 6:30 20:16 43:35
 50:9 51:39 52:36
 61:34 64:35 73:38
 86:11 92:27 94:29,30
 100:44 120:20 123:4
 123:40 131:15 144:19
 156:40 159:34 162:29
takes 13:18 40:27 61:15
 84:40 94:5 140:4
 141:10 152:2 153:22
 154:40 165:2
tale 157:43
talk 8:31 9:5,10,34
 11:11,21 13:25 14:27
 15:47 16:5,47 17:17
 20:36,39,43 24:35
 27:39 31:40 33:4
 36:17 38:45 39:5,30
 45:42 46:43 49:33
 59:1 61:47 77:30 84:4
 84:31 90:41 91:30,45
 93:1 95:14 98:16

103:48 106:13,16,17
 109:1 110:44 111:34
 115:34 148:35 150:44
 165:24
talked 55:34 57:31
 79:17 126:25
talking 8:41 11:40
 16:43 27:47 28:2,18
 28:32 31:41,44 32:46
 34:24 37:22 47:5,16
 47:18 74:18 80:40
 81:1 99:42 100:15
 113:24 114:24 116:5
 120:35 123:39,40
 125:20 126:47 127:14
 129:48 139:41 141:15
 142:43 152:21 156:27
 157:36 164:27
tamed 161:10
Tampa 54:15
tangible 46:15
tangibly 100:47
target 16:22 24:6 26:31
 31:29,31 33:7,27
 47:36 56:8 74:23,24
 121:45 134:39 156:47
targeted 25:15,36
 122:25 124:43 156:44
 164:4
targeting 25:45,47
 46:33,43,46 52:44
 107:44 121:15 162:40
 164:39
targets 134:34
task 15:30 57:43 90:42
 90:45,47 91:14,18
tasked 34:8
tasks 49:15
taste 123:42
Taylor 2:37 7:25,25
 45:46 80:33 98:15
 100:32,35 126:23
 127:5
team 21:13 35:34 36:25
 54:35 87:29,31 88:46
 89:20,22 92:30 97:16
 103:40 160:42
teamed 52:2
technical 13:24 25:21
 69:14,17,22,26
 115:20
technician 69:22 70:21
technique 27:37
techniques 134:17
technologically 84:43
technology 33:22
teen 119:41
telephone 74:18 79:15

79:16,18
tell 37:3 55:30 59:20
 72:28 75:3 81:16
 83:35 85:1,21 91:23
 127:11 138:22,24
 146:41 159:20,22,22
 160:9
telling 57:16 82:31
 126:28,33 129:38
 157:43,43
temperature 76:34,45
temporal 38:28
temporary 94:37 95:11
ten 21:30 26:25,27
 32:15,29 35:10 55:48
 56:1 57:1 61:23 70:10
 102:27 103:24 125:26
ten-minute 131:9,9
tend 84:4 98:46 155:45
tends 151:12
tentatively 123:21
tenure 98:2
term 10:19 34:29 42:22
 55:23 99:14
termed 41:47
terminal 119:25 123:21
 144:48
terms 13:23 20:41
 73:16,34 78:33,38
 81:24 82:1,7 95:39
 99:27 116:6 119:18
 149:22 151:2 155:25
Terri 2:7 8:18 17:19
 29:10 39:28 41:33
 80:29 98:14 101:22
terrible 84:12
terribly 46:1 99:13
territorial 156:24 157:1
 157:7
territories 158:13
testing 12:13 149:21
Texas 7:18,27 21:37
 22:10 23:21 24:24
 52:29 54:31 119:11
thank 8:27 17:21,35
 18:4,21 19:11 27:10
 27:15,41 29:6 32:38
 35:21,27 36:16 37:43
 38:9,40 39:27 45:45
 47:45 48:18,29 51:21
 51:24 55:6,13 58:42
 58:44,46 60:1,38,39
 61:10,11 62:6,29,43
 74:34,36 76:20,21
 77:27,28,46 78:8,14
 80:14,25,25 85:28,33
 87:18,19 88:17 93:42
 94:44 95:17,21 96:28

- 96:29 98:12 101:22
102:25,29 103:43
104:36 105:33,40
112:29 113:38 115:16
115:30 116:26,30
123:1,30,31,32
124:36,41 125:32,35
125:42 126:20 128:8
128:14,15,45,46
131:7 134:46 137:6,7
137:26,46 138:31
143:19,37 146:8
148:37 151:21,28,29
151:32 153:8 154:23
155:29,47 156:12
157:46,48 158:46,48
159:13,23 160:13,14
163:6,7 165:8
- thanks** 20:47 29:8,12
29:17 35:9 38:38
41:34 44:5 51:23
55:14 60:2,14 74:45
75:34 78:9 80:15
95:16,38 101:26
103:47 104:37 105:31
114:31 122:44 125:33
131:6 136:5 143:18
154:25
- theme** 36:23
themes 51:16
thing 25:30 28:13 29:36
32:24 33:25 34:27
36:8 38:13,30 39:41
40:7 43:24 44:40 47:1
59:24 79:29 80:12
83:7 84:14,36 87:15
92:45 96:18 99:5
120:44 125:12,39
126:12,13,25 130:42
135:23 141:39 143:26
145:7 146:9,14,19
148:7 150:40,42
151:23 156:7 157:22
158:1 161:21,42,44
162:43,44
- things** 9:9,37 11:39
13:12,24 14:19 15:13
15:34 16:9,32 18:47
19:21 37:15 41:42
42:13 46:4 49:31
50:26 75:39 80:8,33
80:34,36,39 81:8,25
83:32 85:37 88:1
90:40 92:21 96:16
98:31,44,45 100:24
102:9 105:38 116:6
118:24 122:34 131:44
132:2 141:16 143:47
- 144:12,33 145:44
146:48 147:38 151:7
151:19 153:47 155:38
157:45 158:15 161:19
161:40 163:28,31
164:21,40 165:20
- think** 9:2 10:19,28
14:28 15:14 16:15
17:21 18:24,28 21:11
28:13 33:18 34:28
35:12,41 36:22,24
37:17,47 38:45 39:23
42:38 43:8,21 44:6
46:5 47:10,35 49:7
60:25,28 62:24 69:2
75:12 76:18 77:22,25
77:29 78:20,25,29
79:32,40 80:35 81:13
81:30 82:48 83:1,12
83:25 84:10 87:25,29
87:45 88:4,4,10,10,28
88:36 90:21,27,40
91:30,44 92:18 96:34
96:34,35,37,40,42
97:23,28 99:19,46
100:10 101:3,13,16
101:18,20,40,43
102:35,43 103:10,18
103:19 104:25,28,31
116:3,12 124:19
126:4,14,36,43
127:38 128:10 129:21
130:28 131:12 135:38
135:48 137:33,37,41
142:33,35 143:15,26
143:39 145:4 149:12
149:16,19,29,40,48
151:26,37,42,43
152:35 153:16,16,23
153:30,38,45 154:6,8
156:8 157:15 160:26
160:40,41 161:15,22
162:11,42,48 163:23
163:24,42,42 164:11
164:27 165:36
- thinking** 77:26 88:15
104:33 109:11 114:3
136:31 138:41 142:31
165:29
- third** 6:16 19:31 27:22
48:48 50:43 67:5
88:26
- thirds** 113:25
thorough 19:5 27:16
thoroughly 19:5 56:38
thought 27:13 29:41
42:9 43:19,22 44:21
59:37 60:41 78:30
- 79:47 81:4 96:38
97:33,47,48 102:5
113:11 115:32 116:23
116:25 123:19 149:29
150:25 159:47 163:28
163:31
- thoughts** 21:19 31:20
112:20 113:21
- thousand** 46:16
thousands 146:45
threat 22:3 57:2,31,35
three 9:17 10:47 11:34
22:19 23:24 24:32
46:2 48:45 50:26
56:27,28 59:16 64:37
67:26 68:46 73:19
88:25 94:26 111:40
112:7,35,44 113:33
120:31 122:10 125:7
128:16 130:12,13
133:18 139:31 140:35
142:43 145:17,32
155:2,42 165:2
- three-day** 54:32,34
three-month 125:23
three-year 112:4
163:40
- thresher** 13:8,9 121:44
124:45
- threshers** 152:15
threshold 32:7 134:1,4
153:28
- threw** 72:47
throw 20:12 138:16
144:4 163:22 164:17
164:25
- throwing** 113:34 138:11
thrown 144:3 164:33
throws 98:28
- ticket** 53:14
tide 130:34
tie 23:47
tied 164:1
tiers 67:26
tiger 121:33 126:9
145:33
- tigers** 152:27
tile 94:22 119:6
Tim 2:30 6:39 39:28
41:33 44:16
- time** 6:23 11:26 12:23
13:37 14:41 16:21
19:1,2,3,22 20:5
21:39 23:14,22 25:24
26:33 27:19,36,44
28:6 29:47 31:15,38
32:9 35:12 40:27
44:27 45:37 46:31
- 47:7 48:25 50:4 54:42
54:47 57:24 58:13,14
61:25,27,39 62:2,16
64:8 65:26 70:23,26
71:19 73:14 74:32,34
76:47 77:45 79:31
80:26 82:33 84:15,17
84:44,48 85:10,17,17
87:14 88:20,21,45,45
89:1,3,47 91:8,38,39
93:8 94:29 96:3,22
98:24,39 100:8
101:11,24 103:48
104:8,11,15 108:6
109:10 111:1 119:38
120:11,15 122:5
123:46 128:1,35
130:9 131:48 133:25
139:18,24 140:5
146:32 148:39 153:22
154:12,15 155:38
156:13,30 160:30,41
160:45 161:29 162:21
164:12,36,44,46
165:26
- timed** 43:34
timeframe 27:26 28:12
77:21,23,24,24 91:27
106:29 112:13
- timeframes** 140:13,13
140:17
timeline 26:47 117:9,10
128:27,36,43 131:41
- timelines** 91:17,23
times 6:24 59:32,33
92:35 96:33 129:1
130:32
- timing** 81:47 134:34
tip 54:18
tired 138:34 161:11
today 8:29 14:28 16:44
17:17 23:35 27:28
29:5 95:40 101:38
116:39 125:7 139:42
141:16 160:7,11
161:13,41 163:3,30
- today's** 20:26
toe 41:40
toggle 113:32
toggling 113:30
told 59:43 97:14 142:39
147:47 163:38 164:43
- tolerance** 66:45
Tom 3:31 62:30 75:35
78:37 82:10 84:38
tomorrow 13:26 15:38
159:11
ton 10:14 72:24 91:20

- tonnage** 10:6
tons 10:7,10 63:9,36,43
63:48 64:1,7,12,14
65:5,13,16,19,20
67:17,18,19 72:22
79:35 80:3,3,4 107:25
107:30 108:6,24
109:16,31 112:14,15
112:19 142:15,19
tool 76:8,13
toolbox 94:48
tools 97:19,21 102:41
103:3
top 18:14 25:45 47:28
50:25 84:38 103:23
113:30 144:30 154:39
155:24,40
top-down 155:8,12
topic 6:21 49:7 74:15
105:26 129:42 156:2
159:4
topics 89:6 133:34
total 26:14 28:6 59:27
66:47 70:34 71:6,14
71:45 72:21,37 82:11
108:35 117:13 119:15
119:21,38 132:39
134:16,24 142:25
164:34
totally 128:36 138:13
touch 9:38 14:2 44:25
63:32 119:33 152:12
152:17 162:10
touched 44:37 54:43
touching 9:9
tough 82:33 99:18
tournament 4:16 11:39
11:40 12:2,2,3,4
18:12 19:15,20 51:34
51:40 53:17,18,34
159:38,39
tournaments 9:35
11:38,44,48 18:8,9,18
47:17 56:10 160:2,11
Town 92:48 104:4
toxic 33:12
toxicity 23:44 31:10
traceability 91:5,6,15
track 9:46 11:31 84:5
84:40
tracked 66:3
tracking 69:39
trade 88:9
traditional 88:1,14
125:19
trafficking 51:14
trailing 130:21
train 32:32
- training** 25:22 122:19
trajectory 84:13
trans 55:38
transactions 72:13,20
72:45,46
transfer 63:46,48 64:22
64:24 71:46 72:6
82:13
transferred 53:8 65:6
transfers 65:4,9
transition 78:22
translate 49:48 99:16
131:39
translated 50:30
translating 49:41
transparencies 18:46
transparent 19:9
100:12,13 150:7
transpired 77:39 85:3
travel 39:47 62:17,22
traveling 40:3
travels 6:5,8
Trawl 132:22
trawling 130:25
treatment 29:27
tremendous 15:29
40:11 103:4
trend 73:14 80:38 82:36
120:27,42
trends 73:36
tried 50:10 57:23 130:9
130:20 141:47
trigger 68:38
triggered 69:28,29
trip 64:39 66:10 68:15
68:24,26,30 70:7
81:11 97:31 107:17
107:24 109:2 110:38
111:6,6,30,40 112:32
112:39,42,45,45
113:31,32 142:4
160:22,25,37 164:5
trips 11:2 66:35 67:4
69:2 70:10 73:38,40
73:42,43,46 74:1
81:14,15 118:45
120:12,13,20,22
158:29
trophy 65:22
trouble 9:4 103:5
troubling 80:36 81:7
trucks 52:15,18
true 84:34 105:10 119:6
163:29,32
truly 155:11,12
truncates 105:1
trust 94:46
trustees 21:37 22:7,11
22:15,20,28,36 23:1,9
23:22,27 26:36 37:46
try 6:23 9:3,5,13 12:14
29:2,3 35:48 36:12
38:23 45:30 47:34
50:19 56:6 57:19
61:22,24 78:32 91:33
95:10,11 100:24
101:17 102:10 117:29
121:40 122:6 128:10
129:18 130:15 134:39
152:30 155:35 156:6
158:26 162:5
trying 11:47 12:17
16:48 19:17,17 28:12
29:32 30:15 33:7
39:31,32,40 40:12,38
59:25,29 77:47 90:16
92:19,23,41 99:19,29
99:35,40 100:7,10,11
100:28,29 101:47
102:3 124:48 128:6
128:44 130:18 131:5
135:47 137:16 144:12
163:15
tuna 4:35 8:6,33 9:15
13:21,45 16:29 20:44
24:6,38 25:2,5,16,47
30:10,44 31:43 38:19
42:46 52:7,26,31,33
54:22,40 62:31,35
63:21,28,32 64:36
68:35 69:45 70:1,3,43
70:48 71:11 73:7,17
73:20 76:24 89:8
95:27,41 96:12,13
125:20 141:37 156:31
161:41
tinns 11:24 13:43
44:22,23 45:28,38
77:3
turf 130:41 131:6
turn 51:19 103:14
161:26
turned 69:34
turtle 160:33,33
tweak 147:44,45
tweaked 148:9
tweaking 147:41
twelve 67:32
twenty 72:44 139:35
Twenty-one 65:5
twice 95:19
Twinam 2:38 7:43,43
19:31,41 20:8
twine 115:3
two 9:14 10:2 11:20
14:37 15:27 16:9
17:44 19:22,27 21:36
23:21 24:48 25:8
26:18 27:7 28:32,32
38:29 49:34 50:5,35
51:10 52:18,20 53:34
68:46 69:29 70:19
79:37 81:8 84:28
89:41 91:16 94:9,26
94:31,32 96:2 98:4
106:13 111:16 112:37
112:44 117:43 123:22
123:26 124:28 125:23
125:39 128:7 129:4
130:11,35 131:20
133:39 139:14,29,38
140:36 141:29,39
143:24 144:9,21
145:48 146:2,34,42
149:9,13 151:24
155:2,42 164:8 165:2
two-stage 70:5,11
two-way 17:13
type 14:32,40 37:27
44:23 57:17,20 66:14
71:27 73:25 122:27
128:21 129:18 145:44
150:40 151:18,24
155:35
types 25:9 34:21 40:36
57:17 72:20 145:34
typical 22:43
typically 12:46 30:31,46
32:31 44:43 105:10
115:1 134:5,9,27
135:29
-
- U**
- U.S** 1:1 11:4,6 16:11,12
17:25 18:30 46:12,20
46:37,37,42 54:26
55:16 81:22 83:46
97:10 101:39 132:8
133:33 139:4,7
147:23 156:36
ultimate 12:10 28:5
ultimately 23:30,36
31:9 41:12 47:41 76:9
98:18 99:4 100:18
unassessed 105:6
unaware 86:2
unbelievable 145:33
unbridled 46:24
uncalled 164:19,42
uncertainty 74:21
unchanged 20:3
uncle's 145:21
under-harvest 64:6
111:20

undergoing 12:20
58:32
underlined 107:27
underlying 35:42 36:1
undermine 97:27
underneath 135:32
underscores 114:11
undersize 52:20
undersized 54:16 56:19
understand 25:31
28:17 36:26 40:39
43:44 44:26,30,32
46:6 59:48 65:40
84:21 85:44 89:9
103:41 104:12 144:7
158:16 162:13,39
understanding 11:44
19:6 84:6
undertake 26:2
underway 16:22 55:46
unemployment 28:26
unexpected 75:41
unforeseen 164:21
unfortunate 62:27
unfortunately 22:39
28:38 62:17 68:26
127:17 150:47
unique 9:46 151:12
unit 52:14 69:30 70:6,7
United 10:17 22:14 34:1
54:37 91:6,10
units 9:1,2 14:38,38,39
14:42 69:29
universe 72:12,31
121:16
university 6:46 8:1,8,16
58:22 97:40 149:12
149:23,28
unknown 42:18 59:8
108:37 113:18 153:43
unlicensed 60:46
unprecedented 79:30
145:19
unquestionably 46:40
Unregulated 10:1
Unreported 10:1
upcoming 16:39,44
24:36 140:34 162:15
update 4:24 8:33 9:38
11:23 12:32 15:37
21:3 48:22,28,29
51:21 62:31 68:41
94:8,22 112:41
113:15 116:39 120:10
123:20 140:5,8,32,39
140:45 143:41 146:4
updated 110:5,6 117:20
120:36 132:31

updates 4:13,16,17,18
4:29 8:30,42 12:20
13:43 14:29 42:4
48:32 70:47 94:26,31
99:34 131:18 140:46
147:37,40,43
updating 9:25 15:43
16:19 95:32
upgrade 110:11,14,40
upper 158:46
uptick 11:28
upward 94:17
upwards 52:9 73:2
urge 91:34
USCG 4:31
use 10:6 25:15,22,42,45
26:11 30:15 33:41
38:33 45:6 58:23
64:23 82:26 95:11,33
98:19 104:31 123:15
124:22 128:3 131:23
133:23,24 134:5,32
135:4 140:24 145:36
145:48 147:16 149:2
150:31 151:10 157:22
157:40 159:35,40
useful 13:44 19:3 37:9
37:10,15 59:47 94:28
113:5,35 153:47
user 96:2 98:20,23
99:43 101:1
users 25:28 70:46,46
uses 10:5 68:27
usual 64:25
usually 16:35 55:30
57:30 101:35 117:14
120:20 130:35 158:33
utilized 25:24 43:26
83:19 123:27 144:39
utilizing 49:11,17

V

V 7:20 128:14
vagaries 47:48 76:48
vague 104:24
Valerie 2:28 7:20
126:22 128:9,13
valid 30:24 51:43 133:8
valuable 37:48 40:40
88:24
value 24:11 74:11 81:26
82:40 83:6,10,40
84:24 89:2 99:39
101:31,33,35 104:2
119:46 124:8,32
153:44
valued 54:37,40
values 103:23

variability 129:20
154:48
variables 148:3
varied 102:12
varies 18:10
variety 15:31 16:34
64:34 65:31 74:17
144:22 147:32
various 6:19 12:33
15:39 59:7 67:10
70:45 92:35 96:5
98:23 99:9 105:34,38
126:30 128:19 140:20
141:23 146:19 153:19
vary 27:45
vast 28:3
vector 58:1
Vehicle 52:13
vehicles 49:19
vendor 53:2
vendors 14:35
vented 145:28
veracity 135:8
verbal 53:29 54:4
verification 69:45 76:8
76:13 123:29
verified 150:27
verify 135:19
versions 26:43
versus 66:29 71:23
73:47 99:34 135:10
135:26 140:5
vessel 7:44 9:42,44,44
10:21 13:19 26:16,17
26:17,21,23,26,28
34:33,38 36:5 41:46
51:32 52:25,34,43,45
53:26 54:7 56:22,42
57:7,8,11 58:7 59:30
60:20,22,48 66:5,11
67:23,35 68:4,5,17,23
68:26,47 69:9,16,47
70:11,16,19 72:15,43
72:43 101:35 107:16
110:11 133:7 157:22
160:31
vessels 10:8 26:22,27
34:36 35:47 36:2 40:6
40:13 42:17,21,25
44:4 52:5,10 53:36
58:24 60:11,18,31,36
64:46 66:7,32,33
67:25,27,46 68:13,40
68:42,45 69:1,7,22,37
71:32,33,36,37,40,42
72:4,7,12,15,16,35,41
73:8,46,47 75:28
78:47 79:10 80:45

81:33,37 89:11
122:15,30
Veterans 54:30
viable 42:23 83:37
126:4
vibrant 103:29
video 68:38 70:12,22
70:26,27,29 89:11
Vietnamese 26:42
view 6:25 37:41 79:42
79:43 153:32
viewable 70:15
views 17:9,12 93:17,34
villainize 31:34
violation 54:11,27
violations 48:47 52:17
52:21
Virginia 6:48 152:12
virtually 39:44 126:26
130:40
virtue 63:3
visit 11:47
visits 11:43 69:22
visual 118:36 158:17
vital 103:30
VMS 14:31,35 63:23
73:8,25 84:46 132:35
133:31
voice 17:10 29:38
voices 87:18 100:9
volume 9:4 62:43 72:40
100:14
voluminous 84:39
voluntarily 24:46
voluntary 24:33,41
29:44 31:22 34:39
38:22,23 44:27
volunteers 12:14
vote 144:24

W

wahoo 54:22,26
wait 138:10 161:28
waiting 23:13
walk 85:4 144:5 155:1
walking 148:15 160:5
wall 37:4
Wallace 2:20 7:35
Walt 8:1
WALTER 2:12
want 9:3 14:27 17:4
18:36 21:27 25:30
32:4 34:26,31 36:18
36:19,20 37:24,25
43:14,43 50:4,4 55:44
56:8 57:25,46 58:12
75:3 76:9,16 78:15
80:34 82:21 84:37

- 85:31,34,43 87:47
88:17 89:1,21,24,24
89:45,47 90:22 91:29
92:45 95:28 98:21
100:18 102:24,31
103:40 105:30 113:46
123:45 126:24,45
127:5 131:43 136:15
138:36 140:31 141:44
142:9 143:9,11,21
148:17 150:44 151:47
151:48 152:47 153:10
153:36,40 154:26
155:1 156:22,34
157:15,22 159:16,22
159:26 160:39 161:2
162:48 165:42
wanted 9:37 11:12,41
14:2 15:10 21:44
41:29 44:25 48:32,36
49:5,25 50:13 51:21
56:39 62:7,13,23,26
74:30 82:4 95:37
100:37 104:38 113:37
115:14 116:20 128:17
140:39 155:26 158:16
160:16 164:7 165:21
wanting 11:2 78:12
105:6
wants 139:12 157:40
159:27
warming 76:36
warned 52:39
warning 52:47 53:29
54:4
warranted 12:47 13:1
118:8
Warren 3:31 62:29,30
75:17
wasn't 37:16 69:28,32
78:36 81:19 100:36
115:42,44 116:19
149:3 150:5,5 151:13
159:4 162:40
waste 163:22,31 164:34
164:41
wasteful 114:45
wasting 165:1
watch 79:33 95:32,32
water 8:31 31:14,16,37
47:39 48:15 49:43
53:35 57:4 61:2 70:17
76:34 80:4 84:18
126:28 145:13,14,18
145:23 157:35
waterfront 49:15
waters 43:13 53:10,13
76:29 77:18 125:28
129:31 148:14 156:25
wave 14:24
way 10:18 11:45 16:7
18:41 26:19 30:29,31
32:12 33:16 34:3 37:8
43:26 45:21 46:3,15
47:1,40 49:30 50:19
50:21 61:6,7,37 74:29
75:25 77:25 79:26
82:8 83:11,47 87:5
94:35 96:25 98:11,33
99:45 103:14 106:30
113:6,33 123:16
125:44 135:48 138:4
138:23 148:20,22,26
153:41 156:23 157:12
157:30,34,45 160:46
161:45 162:10 163:38
164:43
ways 37:15 88:3 99:20
112:23 129:33 132:24
132:26
we'll 6:13,33 8:24,35
9:2,3,5,9,12,34 11:11
11:21,40 13:25 15:47
16:5,42,47 21:5,40
22:41 24:35 41:23
61:20,24,44 74:33,43
76:13 80:23,31 86:7
88:41 89:42 90:23
105:43 106:6 112:24
112:25 113:34 115:26
116:3,16,32 131:10
131:27 134:11,12,31
134:38 141:15 145:9
146:31 148:36,45
153:12 159:17 165:43
we're 6:9 8:28,29,31,40
11:47 12:6,34 13:9,14
13:17,19 14:6,15,22
16:16,48 17:4,7 19:25
19:27 20:6 21:17,18
22:44 23:13 26:32,39
27:2,29,29 28:2 29:24
29:30 30:43 31:34,35
31:41,42,44 32:1,46
33:42 34:13 35:12
36:26,37,38 37:7,21
41:20 43:37 44:34
46:15,17,23,39 47:8
47:16,18 48:21,22,23
49:16,41 50:15,41
51:31 55:23,46 57:3
57:38 58:32 61:35,40
62:19 68:28 69:7,39
70:24 71:24,26 75:9
79:48 80:2,30 81:11
81:14 82:2 83:39,43
84:12,31 85:29,40,41
85:47,48 86:5,9 87:3
87:7,9,27 88:39 89:40
91:7 92:4,13,36,40
94:31,37 95:45 96:9
96:34,34 98:15,33,37
99:19,35,40,42 100:7
100:21,42 101:23,28
102:23,42 105:20,22
105:24,27,29,41,42
106:1,14 107:39
109:2,9 111:2,4,4,9
111:11,13 112:6,12
112:19 113:33 114:19
116:14,45 118:30
123:29,38,39 124:3
125:18 127:14,32
128:4,10 130:33,35
130:36 131:12,32
133:34 134:36 135:15
135:19,43,46 136:21
136:24 137:24 138:19
138:22,23,25,28
139:6 140:9,29,38
141:35,39,42 142:38
142:38,43 144:46
146:14 147:43 148:12
148:16,39 149:31
150:10 151:46 153:1
153:1,24,25,34
154:16 155:48 157:16
157:43 160:48 161:2
161:16,21 163:4,8,20
163:21,47,48 164:13
164:39,40 165:15
we've 9:8,17,26,29,34
11:32,36,42 12:9 13:7
16:36 17:16,16 20:16
26:4,48 27:34 30:31
31:25 33:36 34:15
35:10 36:28 37:7
40:19 42:20 45:1,18
47:5 50:9,30,47 54:47
55:38,46 56:32 57:6,7
57:8,10,12,16,27
58:21,26 60:35 68:48
69:41 73:12 74:17
75:37 76:11 80:3
81:34 82:41 84:10
85:10,13 87:41,46,48
91:7,15,27 93:25 94:3
95:44 96:19,42 97:3
99:21,42 100:39
110:21 116:4,47
117:2,22,47 118:10
118:34,35 120:11,29
121:31 137:18 139:25
140:7 141:28 143:23
145:1 149:29 151:23
161:14,17,27,43
164:17 165:3
weaned 152:23
web 49:28 66:13
webinar 62:8 105:36
115:21 165:12
website 26:45 29:3,4
30:30 38:1,3 39:21,24
41:28 42:30 49:27
55:12 66:11 75:24,39
websites 124:47
WEDNESDAY 1:18
week 14:4 38:26 48:48
93:1 104:29 125:8
161:23 162:16
weekly 13:40,41 57:48
weeks 90:9 162:16
164:8,12
weigh 18:13
weight 66:46 71:8
133:11,12 135:16,17
135:17 145:37
weights 71:12
Weiner 2:39 7:13,13
74:45 75:31 76:18
77:47
Weiners 76:46
weird 88:8
welcome 4:4 6:3 29:7
32:44 87:10 153:17
went 19:21 72:32,33,42
73:20,22 78:21 104:6
110:13,18 117:12,34
117:44 151:5
weren't 48:10 107:38
143:42 163:29,32
West 96:19
western 59:48 109:12
whack 125:45
wheel 152:32,48
Whitaker 2:40 7:29,29
19:13 105:45 106:9
124:41 125:16
white 11:33 18:11 51:39
106:37 121:47
whitewash 121:33
whitewashes 126:9
Whittling 132:45
wholeheartedly 75:17
wide-sweeping 74:22
widely 149:47
widespread 67:47
wild 161:9
wildlife 7:24,28,34
39:11 51:14 54:17,29
119:11
Wiley 2:41 6:37,37

WILLIAM 2:11
willing 77:32 161:23
willingness 26:21
WILSON 3:39
win 101:41
wind 83:4 101:35
 144:39 145:22 147:8
winds 160:6
winter 95:24 96:26
winters 145:40
withstand 144:6
wolf 47:4
wonder 30:23 57:30
 125:19
wonderful 35:33 84:43
wondering 17:44 38:42
 44:24 75:14 115:37
 135:15 138:3
wooden 130:19
Woods 6:45
word 42:46 43:20 64:25
 76:1,15 102:48
 137:39
words 6:30 27:21 36:33
 71:41 72:14 98:4
 103:14 160:10
work 12:10 13:15,18,24
 14:19 15:7,41,43
 23:15 28:22,33 33:42
 34:7 36:4 37:10 39:14
 39:45 40:8 43:15,40
 45:19,21,30 51:8
 57:14,44,44 58:7,20
 58:30 60:29 61:5
 69:31,35 75:11,18,33
 76:19 79:27 81:36
 89:23,35,40,44 91:26
 95:9,12,46 96:7,27
 97:20,26 115:6
 116:37 118:2 122:26
 124:24 125:46 140:25
 143:25 147:15 148:21
 149:19,38 150:29,41
 158:14
workable 60:37
worked 10:15 14:31
 76:47 77:33 88:25,27
 88:29 135:1 147:14
 161:31
working 6:17,32 12:11
 15:13,24,32,44 16:10
 17:7 20:6 29:48 34:5
 36:25,29 49:3 53:6
 57:32,39 58:4,21,29
 58:29 62:22 69:41
 70:24 75:9,16 82:8
 96:10 99:21 103:2,3
 103:20,40 116:47

117:48 118:10 140:19
 148:26 149:21 156:14
 160:38 161:27
works 51:48 125:2
workshops 9:27 59:32
world 18:31 82:7 84:43
 87:38,42 98:1 99:17
 100:26 160:46
world's 76:37
worried 153:48
worry 123:7
worth 75:15,32 142:7
 142:11,23,33 143:3,3
 161:24,26
worthless 39:44
wouldn't 34:2 84:48
 137:35 151:41
wound 146:22 147:41
wow 97:45 124:33
wrap 37:31
wrap-up 115:39 116:29
wrapped 29:33
wrapping 39:10
Wreckfish 151:11
write 150:16
writing 115:37,43,44
 116:21,21,22
written 44:19 91:21
wrong 29:42 96:34,35
 127:37 147:28 154:16
wrote 95:24 163:27

X

X 83:17,19 101:34

Y

yeah 18:6 29:2,15 32:39
 33:18 34:6 36:21,28
 37:2,43 38:11 40:35
 41:36 43:37 44:6
 58:44 60:16 61:13,13
 75:31,34 76:18 77:28
 80:15 85:33 99:18
 102:17 114:22 115:30
 116:16,35 127:3
 136:14 137:7,21,24
 143:22 150:46 155:43
 156:4,11 158:19,22
 159:10 162:26 163:13
year 9:33 10:36,39,48
 11:8,30 12:45 13:16
 13:16 15:2 16:23,29
 16:36 17:1 18:10,10
 18:10 21:35 25:1,13
 26:17,18,19,22 27:4,8
 32:9,11 34:34 39:13
 46:32 55:29,36 56:2
 56:12,48 59:32 60:3

62:34 63:7,33,42
 64:42 66:41,48 67:16
 68:9,11 71:19,29
 75:41 78:31 81:15,43
 83:10,16 89:5 90:43
 94:5 95:19,20 102:16
 102:35,35 107:12
 111:42 113:14,25
 119:25 120:13,17,22
 123:21 132:16,21
 138:20,47 139:40,44
 140:9,11,34,35,37
 141:22 142:3,3,4,6,16
 142:21,28 144:48
 151:24 158:30 161:6
 161:43 162:1,18
 163:35 164:36,46
year-by-year 119:18
year-round 77:43
 111:32,48
year-to-date 57:27
yearly 14:45
years 10:2 11:32,37
 13:14 26:16,22,23,26
 26:26,27,27,28 30:48
 32:15 34:37,38 38:20
 39:15,20 41:46 42:39
 43:4,7 46:3 48:45
 57:1,2,16 59:35,42
 60:11 67:15 78:28
 90:36 94:32 96:11,43
 102:8,27 103:33,33
 103:33 107:12 108:26
 112:7,12 117:9
 118:28 119:26,28,29
 119:40 125:29,39
 127:47 131:42 140:7
 141:17,30 144:43,43
 144:47 146:29,47
 147:13,16 148:5
 151:23 160:27 162:43
 165:2
yellow 142:18
yellowfin 11:25,28 24:6
 24:38 25:5,16,47
 30:10,44 47:17 52:31
 54:25,40 125:19,24
 141:37
yellowfins 130:11,13
yellowtail 158:35
yesterday 94:16 127:18
York 7:32 51:34,40
 65:36 95:26 148:19
 159:24,31

Z

zero 10:44 11:9 111:40
zilch 130:40

zone 79:36
zoo 161:9

0

1

1 15:1 56:3 62:38,40
 65:27 82:30 120:17
 120:21
1.5 112:13
1.7 120:15
1:45 86:10
1:53 87:2
10 9:24 17:36,38 27:29
 38:15
100 10:7,10 80:4 103:33
 117:9 118:38,43
100-year 126:33 127:28
1000 71:41
104.1 119:45
105 69:2 80:3
1058.79 64:14
11 55:43 73:21
11:00 20:45
110 68:39,42 81:4 89:10
112 109:30
114 71:23
12 19:13 59:15 67:29,29
 73:9 133:11
12:30 20:45 48:24 61:39
120 103:25
126 57:8
13 59:40 60:10 91:13
 142:28
13.8 112:19
130 158:31
131 5:9
135 64:12 69:3
136 68:44 72:1
137 79:35
14 59:4,39,40 60:10
 141:10,21
14,011 71:45
142 5:15
14factors 143:15
14th 162:31
15 10:35 43:4,6 59:39
 59:40 60:10 65:2
 66:46 112:15 152:27
 155:40
1557 71:44
15th 65:27 93:1 122:39
 152:13
16 71:42
17 19:31 52:10,17
17,000 72:42
170 158:31
176 108:5

17th 112:22 113:23
18 85:22 139:47
180 135:39
180,000 161:5
184 57:6
18th 107:11 110:26,36
 111:1
19 146:6
195 71:28
1988 19:47
1st 76:24 77:5,8,13 78:7
 111:3,36 113:9
 134:37

2

2 118:16,24,27,31,40
2.2 67:19
20 9:27 10:3,9,27 12:24
 48:3 55:35 72:3,13,19
 81:37,38 84:19 85:7
 119:38,39 123:36,45
 124:31 155:40 158:34
20-hour 85:22
20,000 164:6
20.5 54:25
20/20 162:38
200 103:24,24 114:39
2001 12:28
2003 118:28,29
2005 118:28
2006 141:33 147:25
2007 139:24
2008 118:22
2009 117:18 119:24,27
 120:11,18 126:37
2010 17:38 29:35 51:41
 106:31 118:22 120:14
 131:45 132:5
2011 16:21 23:9 64:14
 106:38 132:5,22
2012 12:27 77:4 112:11
 112:17 132:11,12,34
 133:29 134:3 135:10
2013 52:36 59:38 67:9
 67:16,21 117:47
2014 60:4 63:45 64:5,6
 64:44 67:8 71:19,22
 71:23,26 73:37,47
 74:3 80:48 106:46
 107:7 118:2,10,29
 120:14 123:21
2015 1:19 4:37 6:4 9:15
 9:18 10:31,32 20:41
 49:23 62:32,34 64:26
 67:4,8,44,48 71:19,22
 71:24 73:38,43,47
 74:3 76:23 82:47
 91:21 107:10 111:15

112:6,10,17 120:36
 123:23 133:38 140:40
 140:42 146:9
2016 5:13 9:15 16:48
 62:41 67:44 68:13,16
 91:21 110:45 111:5
 112:14,15,17 113:7,8
 123:20 140:41,43
 159:44
2017 27:8 113:9 140:44
 144:48
2018 94:27,33 113:13
 140:48 141:1 142:34
 143:11 144:46 146:1
 148:31
20th 21:34

21 4:24 65:13 66:33
 117:5
21st 23:9
22nd 14:23
230 125:20
24 66:9
24-7 58:35
240 145:12
25 10:34 72:3 81:32
 137:19
250 9:35
26 67:20
260 57:26 59:26
264 108:24
26th 64:11
275 68:19
2752 71:14
28 57:10 59:26 146:47
28th 64:10
29 147:48

3

3 15:1 131:45 132:22,32
3.5 54:25
30 66:35 85:8 96:11
 103:33 111:36 125:29
30,000 164:3
30,482 112:47
300 73:14
300,000 142:24
309 71:23
30th 11:7 120:17,21
31st 65:2 71:12,46 77:5
 77:7,9,14 83:5 122:40
33 10:12
34 63:47 65:19 108:1,16
 108:18,21,30 110:20
 110:22,28 112:9,39
 135:7 136:2
35 9:30
363,000 135:12
38 132:16 145:2

39 72:32 133:24 135:1
3900 71:38

4

4 118:25 142:28
4.1 118:25
4:30 106:1,2
40 18:12 38:20 64:1
 65:20 96:11 103:33
 148:5
40-mile 125:22
40-ton 79:30
40,000 55:32
400 73:43 81:14 117:10
 135:10
41 72:22 75:2,12
415,000 135:10
42 66:31 139:34
424 71:38
43 120:22
45 107:32,40 110:38
 111:5,44 139:34
450 13:39
46 52:45 161:4
48 4:29

5

5 56:17 117:22,36,41,42
 118:13,22 121:2
 122:14,21
5,400 9:35
5:00 79:19,25 86:8
 106:2,3,8
5:21 165:47
50 38:16 119:47 121:39
 124:33 133:9 162:3
 164:10
50-mile 125:5
50-pound 145:36
50/50 109:38 138:8
500 132:39
5000 119:42
51 144:43
53.8 119:44
54 123:40,45 124:4,10
 124:31
54-inch 152:7,9
55 107:23,29,37,39
 110:40 111:44 141:30
 144:43
550 68:22
550,000 133:48 135:3
 135:11
551 71:48 82:23
56 71:33,36 164:11
58 72:37 117:16 119:23
 119:29,30
5A 117:45

5b 5:12 16:42 105:44
 114:20 115:26 116:39
 117:3,48 121:8

6

6 4:4,8 5:12 9:18,34
 11:21 66:38 89:40
 105:43 106:16,20,27
 106:30 107:11,14
 110:11,18,44,46
 111:1,27 112:31
 114:30 141:46 142:14
6:00 106:3
60 26:16,21,22,23 27:29
 34:33,38 41:46 53:48
 92:3 119:41 145:23
 158:29
60-day 162:30
600 73:15
60s 145:21
61 4:35 72:31
63 142:23
630 125:21
64 109:15
66 135:6,12 136:1
67,838 71:13
68 63:9,36
6th 21:34 65:24 76:25

7

7 4:37 13:46 15:1 24:15
 38:25 43:2 45:39,41
 46:33 47:21,26 56:13
 62:37,45,45 64:18,27
 65:9,11,23,25,30,48
 66:6 67:16,22,41 68:6
 68:34 74:19 75:22
 78:19 81:17 85:37,46
 89:7 95:40 120:24
 131:24 165:43
70 133:48 134:4
70,590 71:14
700 73:42 81:15
73 66:43
75 107:25 133:5,14
 136:7,19 138:1
750 122:4 126:48
 127:11 129:45
78-inch 152:1

8

8 4:13 10:43 17:21,21
 59:2
80 112:48 113:28
 158:29
800 122:5
81 59:8 66:43
810 120:21

82.5 54:24
84 73:47 80:44
86 69:2
87 4:42
87.4 63:42
8777 1:24
88 109:26,46,48 110:1
110:30
89 109:9,20,25,46
121:37 123:41,46
124:4,10,11,31

9

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Highly Migratory Species
Advisory Panel Meeting

Before: NOAA/NMFS

Date: 09-09-15

Place: Silver Spring, MD

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